

House Bill 757

By: Representatives Kelley of the 16<sup>th</sup>, Jasperse of the 11<sup>th</sup>, Kendrick of the 95<sup>th</sup>, Ridley of the 6<sup>th</sup>, and Mathis of the 133<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 6 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to kratom, so as to provide for registration of kratom products and sworn  
3 certification of compliance; to provide for applicability; to provide for publication of  
4 registration information; to revise penalties; to provide for definitions; to provide for related  
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 6 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to  
9 kratom, is amended in Code Section 16-13-120, relating to definitions, by adding new  
10 paragraphs to read as follows:

11 "(1.1) 'Approved kratom delivery form' means a kratom product registered in accordance  
12 with Code Section 16-13-123.

13 (1.2) 'Department' means the Department of Agriculture."

14 **SECTION 2.**

15 Said article is further amended by adding a new Code section to read as follows:

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16 "16-13-123.

17 (a) A processor shall register annually with the department any kratom product intended  
18 to be offered for sale to an end consumer that is in an approved kratom delivery form and  
19 pay a fee, adjusted annually, to cover all administrative costs for processing and  
20 administering such registrations, including the necessary staff and the publication and  
21 maintenance of a kratom registration web page as provided in this Code section.

22 (b) The registration shall include the following:

23 (1) Submission of a certificate of analysis from a certified independent third-party  
24 laboratory showing compliance with the requirements of this article for kratom products;  
25 and

26 (2) Sworn certification that:

27 (A) The kratom product was manufactured, processed, or held in a facility that holds  
28 a current and valid food facility registration with the United States Food and Drug  
29 Administration;

30 (B) The processor has a reasonable basis to believe that the kratom product is safe for  
31 consumption under the conditions of use set forth on the label. The processor assumes  
32 responsibility and liability for any such products offered for sale;

33 (C) The kratom product is not adulterated with any dangerous substance not derived  
34 from kratom. A kratom product is adulterated with a dangerous substance not derived  
35 from kratom if the kratom product contains a poisonous or otherwise deleterious  
36 ingredient not derived from kratom, including, but not limited to, substances listed as  
37 controlled substances under state or federal law;

38 (D) The kratom product does not contain any synthesized kratom alkaloid or kratom  
39 constituent produced by using a manufacturing process that synthetically changes the  
40 composition of any kratom alkaloid or kratom constituent as it is naturally found in the  
41 kratom leaf, or any kratom alkaloids or other kratom constituents that have been  
42 isolated or manipulated to increase their potency; and

- 43 (E) The kratom product is not manufactured in a manner that is attractive to children.  
44 (c) A kratom product that contains the same kratom ingredients in the same kratom  
45 delivery form, but a different container, package, or volume, shall be included in a single  
46 registration pursuant to subsection (a) of this Code section.  
47 (d) By January 1, 2026, the department shall publish and maintain a kratom registration  
48 page on its official public website listing all currently registered kratom products for sale  
49 by retailers. Such website shall allow retailers to verify registered kratom products that  
50 they are permitted to sell to consumers."

51 **SECTION 3.**

52 Said article is further amended in Code Section 16-13-122, relating to content of kratom and  
53 required labeling, by revising subsections (f) and (g) as follows:

54 "(f)(1) A processor who knowingly or with criminal negligence commits an act in  
55 violation of this Code section shall, upon a first conviction thereof, be guilty of a  
56 misdemeanor of a high and aggravated nature, and upon a subsequent conviction, be  
57 guilty of a felony, and shall be punished by imprisonment for not less than one year nor  
58 more than 15 years, by a fine not to exceed \$100,000.00, or both.

59 (2) A processor who negligently commits an act in violation of this Code section shall  
60 be guilty of a misdemeanor and subject to a fine not to exceed \$1,000.00.

61 (g)(1) A retailer who knowingly or with criminal negligence commits an act in violation  
62 of subsection (a), (b), (c), or (e) of this Code section shall, upon a first conviction thereof,  
63 be guilty of a misdemeanor of a high and aggravated nature, and upon a subsequent  
64 conviction, be guilty of a felony, and shall be punished by imprisonment for not less than  
65 ~~one year nor more than 15 years~~ six months nor more than two years, by a fine not to  
66 exceed \$100,000.00, or both.

67 (2) A retailer who negligently commits an act in violation of subsection (a), (b), (c),  
68 or (e) of this Code section shall be guilty of a misdemeanor; provided, however, that, for

69 a conviction of a first offense, such individual shall be punished by a fine not to  
70 exceed \$250.00; for a conviction of a second offense, such individual shall be punished  
71 by a fine of up to \$500.00; and for a conviction of a third offense, such individual shall  
72 be punished by a fine of up to \$1,000.00; provided, further, that upon each subsequent  
73 conviction after a third conviction, such individual shall be guilty of a high and  
74 aggravated misdemeanor and shall be ~~imprisoned~~ confined for not less than ten days nor  
75 more than 12 months and punished by a fine of not less than \$1,000.00 nor more  
76 than \$5,000.00.

77 (3) A retailer shall have a defense to prosecution under this subsection if such retailer  
78 proves by a preponderance of the evidence that the retailer relied in good faith upon the  
79 representations of a processor that the kratom, kratom product, or kratom extract and  
80 labeling complied with the provisions of this Code section."

81

**SECTION 4.**

82 All laws and parts of laws in conflict with this Act are repealed.