#### As Introduced

## 136th General Assembly

# Regular Session 2025-2026

H. B. No. 587

## Representatives Odioso, Lorenz Cosponsor: Representative Somani

То	amend sections	3715.01, 3715.99, 3717.01, and	1
	3717.99 and to	enact sections 3715.026 and	2
	3717.34 of the	Revised Code regarding sales of	3
	kratom products		4

### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3715.01, 3715.99, 3717.01, and	5
3717.99 be amended and sections 3715.026 and 3717.34 of the	6
Revised Code be enacted to read as follows:	7
Sec. 3715.01. (A) As used in this chapter:	8
(1) "Person" means an individual, partnership,	9
corporation, or association.	10
(2) "Food" means:	11
(a) Articles used for food or drink for humans or animals;	12
(b) Chewing gum;	13
(c) Articles used for components of any such articles.	14
(3) "Drug" means:	15
(a) Articles recognized in the United States pharmacopoeia	16
and national formulary, or any supplement to them;	17

(b) Articles intended for use in the diagnosis, cure,	18
mitigation, treatment, or prevention of disease in humans or	19
animals;	20
(c) Articles, other than food, intended to affect the	21
structure or any function of the body of humans or other	22
animals;	23
allimais,	23
(d) Articles intended for use as a component of any of the	24
foregoing articles, other than devices or their components,	25
parts, or accessories.	26
(4) "Device," except when used in division (B)(1) of this	27
section and in division (A)(10) of section 3715.52, division (F)	28
of section 3715.60, division (A)(5) of section 3715.64, and	29
division (C) of section 3715.67 of the Revised Code, means any	30
instrument, apparatus, implement, machine, contrivance, implant,	31
in vitro reagent, or other similar or related article, including	32
any component, part, or accessory, that is any of the following:	33
	2.4
(a) Recognized in the United States pharmacopoeia and	34
national formulary, or any supplement to them;	35
(b) Intended for use in the diagnosis of disease or other	36
conditions, or in the cure, mitigation, treatment, or prevention	37
of disease in humans or animals;	38
(c) Intended to affect the structure or any function of	39
the body of humans or animals, and that does not achieve any of	40
its principal intended purposes through chemical action within	41
or on the body of humans or animals and is not dependent upon	42
being metabolized for the achievement of any of its principal	43
intended purposes.	44
inconded parpooles.	-1-1
(5) "Cosmatic" means.	15

(a) Articles intended to be rubbed, poured, sprinkled, or	46
sprayed on, introduced into, or otherwise applied to the human	47
body or any part thereof for cleansing, beautifying, promoting	48
attractiveness, or altering the appearance;	49
(b) Articles intended for use as a component of any such	50
article, except that "cosmetic" does not include soap.	51
(6) "Label" means a display of written, printed, or	52
graphic matter upon the immediate container, exclusive of	53
package liners, of any article.	54
Any word, statement, or other information required by this	55
chapter to appear on the label must appear on the outside	56
container or wrapper, if any, of the retail package of the	57
article, or the label must be easily legible through the outside	58
container or wrapper.	59
(7) "Labeling" means all labels and other written,	60
<pre>printed, or graphic matter:</pre>	61
(a) Upon an article or any of its containers or wrappers;	62
(b) Accompanying such article.	63
(8) "Advertisement" means all representations disseminated	64
in any manner or by any means, other than by labeling, for the	65
purpose of inducing, or that are likely to induce, directly or	66
indirectly, the purchase of food, drugs, devices, or cosmetics.	67
(9) "New drug" means:	68
(a) Any drug the composition of which is such that the	69
drug is not generally recognized among experts qualified by	70
scientific training and experience to evaluate the safety of	71
drugs, as safe for use under the conditions prescribed,	72
recommended, or suggested in the labeling thereof;	73

(b) Any drug the composition of which is such that the	74
drug, as a result of investigation to determine its safety for	75
use under such conditions, has become so recognized, but that	76
has not, other than in an investigation, been used to a material	77
extent or for a material time under such conditions.	78
(10) "Contaminated with filth" applies to any food, drug,	79
device, or cosmetic that has not been protected as far as may be	80
necessary by all reasonable means from dust, dirt, and all	81
foreign or injurious substances.	82
(11) "Honey" means the nectar and saccharine exudation of	83
plants that has been gathered, modified, and stored in a	84
honeycomb by honeybees.	85
(12) "Finished dosage form" means the form of a drug that	86
is, or is intended to be, dispensed or administered to humans or	87
animals and requires no further manufacturing or processing	88
other than packaging, reconstituting, or labeling.	89
(13)(a) "Manufacture" means the planting, cultivating,	90
harvesting, processing, making, preparing, or otherwise engaging	91
in any part of the production of a drug by propagating,	92
compounding, converting, or processing, either directly or	93
indirectly by extracting from substances of natural origin, or	94
independently by means of chemical synthesis, or by a	95
combination of extraction and chemical synthesis, and includes	96
the following:	97
(i) Any packaging or repackaging of the drug or labeling	98
or relabeling of its container, the promotion and marketing of	99
the drug, and other activities incident to production;	100
(ii) The preparation and promotion of commercially	101

available products from bulk compounds for resale by pharmacies,

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licensed health professionals authorized to prescribe drugs, or	103
other persons.	104
(b) "Manufacture" does not include the preparation,	105
compounding, packaging, or labeling of a drug by a pharmacist as	106
an incident to either of the following:	107
(i) Dispensing a drug in the usual course of professional	108
practice;	109
(ii) Providing a licensed health professional authorized	110
to prescribe drugs with a drug for the purpose of administering	111
to patients or for using the drug in treating patients in the	112
professional's office.	113
(14) "Dangerous drug" has the same meaning as in section	114
4729.01 of the Revised Code.	115
(15) "Generically equivalent drug" means a drug that	116
contains identical amounts of the identical active ingredients,	117
but not necessarily containing the same inactive ingredients,	118
that meets the identical compendial or other applicable standard	119
of identity, strength, quality, and purity, including potency,	120
and where applicable, content uniformity, disintegration times,	121
or dissolution rates, as the prescribed brand name drug and the	122
manufacturer or distributor holds, if applicable, either an	123
approved new drug application or an approved abbreviated new	124
drug application unless other approval by law or from the	125
federal food and drug administration is required.	126
No drug shall be considered a generically equivalent drug	127
for the purposes of this chapter if it has been listed by the	128
federal food and drug administration as having proven	129
bioequivalence problems.	130
(16) "Licensed health professional authorized to prescribe	131

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drugs" and "prescriber" have the same meanings as in section	132
4729.01 of the Revised Code.	133
(17) "Home" means the primary residence occupied by the	134
residence's owner, on the condition that the residence contains	135
only one stove or oven used for cooking, which may be a double	136
oven, designed for common residence usage and not for commercial	137
usage, and that the stove or oven be operated in an ordinary	138
kitchen within the residence.	139
(18) "Potentially hazardous food" means a food that is	140
natural or synthetic, to which any of the following apply:	141
(a) It has a pH level greater than 4.6 when measured at	142
seventy-five degrees fahrenheit or twenty-four degrees celsius.	143
(b) It has a water activity value greater than 0.85.	144
(c) It requires temperature control because it is in a	145
form capable of supporting the rapid and progressive growth of	146
infectious or toxigenic microorganisms, the growth and toxin	147
production of clostridium botulinium, or in the case of raw	148
shell eggs, the growth of salmonella enteritidis.	149
(19) "Cottage food production operation" means a person	150
who, in the person's home, produces food items that are not	151
potentially hazardous foods, including bakery products, jams,	152
jellies, candy, fruit butter, and similar products specified in	153
rules adopted pursuant to section 3715.025 of the Revised Code.	154
(20) "Biological product" means, except as provided in	155
section 3715.011 of the Revised Code, a drug that is a	156
biological product, as defined on—the effective date of this—	157
amendment March 21, 2017, in subsection (i) of section 351 of	158
the "Public Health Service Act," 42 U.S.C. 262(i).	159

(21) "Interchangeable biological product" means, except as	160
provided in section 3715.011 of the Revised Code, both of the	161
following:	162
(a) A biological product that, on the effective date of	163
this amendment March 21, 2017, has been determined by the United	164
States food and drug administration to meet the standards for	165
interchangeability set forth in subsection (k) of section 351 of	166
the "Public Health Service Act," 42 U.S.C. 262(k), as amended,	167
and has been licensed under that subsection;	168
(b) A biological product that, prior to the effective date	169
of this amendment March 21, 2017, was determined by the United	170
States food and drug administration to be therapeutically	171
equivalent as set forth in its publication titled "Approved Drug	172
Products with Therapeutic Equivalence Evaluations."	173
(22) "Kratom" means the plant Mitragyna speciosa and any	174
part of that plant.	175
(23) "Kratom product" means a finished article containing	176
either of the following:	177
(a) Any part of a leaf of the plant Mitragyna speciosa in	178
<pre>fresh, dehydrated, or dried form;</pre>	179
(b) A kratom extract that is manufactured using United	180
States food and drug administration approved food grade	181
solvents.	182
(B) For the purposes of sections 3715.52 to 3715.72 of the	183
Revised Code:	184
(1) If an article is alleged to be misbranded because the	185
labeling is misleading, or if an advertisement is alleged to be	186
false because it is misleading, then in determining whether the	187

labeling or advertisement is misleading, there shall be taken	188
into account, among other things, not only representations made	189
or suggested by statement, word, design, device, sound, or in	190
any combination thereof, but also the extent to which the	191
labeling or advertisement fails to reveal facts material in the	192
light of such representations or material with respect to	193
consequence which may result from the use of the article to	194
which the labeling or advertisement relates under the conditions	195
of use prescribed in the labeling or advertisement thereof or	196
under such conditions of use as are customary or usual.	197

- (2) The provisions regarding the selling of food, drugs, devices, or cosmetics include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; and the sale, dispensing, and giving of any such article, and the supplying or applying of any such articles in the conduct of any food, drug, or cosmetic establishment. The provisions do not prohibit a licensed health professional authorized to prescribe drugs from administering or personally furnishing a drug or device to a patient.
- (3) The representation of a drug, in its labeling or advertisement, as an antiseptic is a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or other use that involves prolonged contact with the body.
- (4) Whenever jurisdiction is vested in the director of

  agriculture or the state board of pharmacy, the jurisdiction of

  the board shall be limited to the sale, offering for sale,

  giving away, delivery, or dispensing in any manner of drugs at

  the wholesale and retail levels or to the consumer and shall be

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exclusive in the case of such sale, offering for sale, giving	218
away, delivery, or dispensing in any manner of drugs at the	219
wholesale and retail levels or to the consumer in any place	220
where prescriptions are dispensed or compounded.	221
(5) To assist in effectuating the provisions of those	222
sections, the director of agriculture or state board of pharmacy	223
may request assistance or data from any government or private	224
agency or individual.	225
Sec. 3715.026. (A) As used in this section:	226
(1) "Food processing establishment" has the same meaning	227
as in section 3715.021 of the Revised Code and includes any	228
premises or part of a premises where kratom is processed,	229
packaged, manufactured, or otherwise held or handled for	230
distribution to another location or for sale at wholesale.	231
(2) "Synthesized material" means an alkaloid, metabolite	232
of an alkaloid, or alkaloid derivative that has been created by	233
chemical synthesis or biosynthetic means, including	234
fermentation, recombinant techniques, yeast derived, enzymatic	235
techniques, and oxidation. "Synthesized material" does not	236
include an alkaloid, metabolite of an alkaloid, or alkaloid	237
derivative created by traditional food preparation techniques.	238
(3) "Semi-synthetic alkaloid" means a substance derived	239
from an alkaloid naturally occurring in kratom that has been	240
chemically altered through chemical reactions, including	241
oxidation, reduction, acetylation, or other processes to change	242
the structure or pharmacological activity of the naturally	243
occurring kratom alkaloid. "Semi-synthetic alkaloid" includes	244
the synthesis of 7-hydroxymitragynine when produced by chemical	245
alteration of mitragynine.	246

(4) "Synthetic kratom-like compound" means a synthesized	247
material that is not found naturally in the Mitragyna speciosa	248
plant and is created entirely through laboratory synthesis to	249
mimic the pharmacological effects of kratom alkaloids or	250
<pre>constituent.</pre>	251
(B) No food processing establishment registered under	252
section 3715.041 of the Revised Code shall process, package,	253
manufacture, hold or handle for distribution, distribute, or	254
sell a kratom product unless the establishment has registered	255
the kratom product with the director of agriculture. To register	256
a kratom product, a food processing establishment shall apply to	257
the director of agriculture in a manner prescribed by the	258
director.	259
(C)(1) No food processing establishment registered under	260
section 3715.041 of the Revised Code shall process, package,	261
manufacture, hold or handle for distribution, distribute, or	262
sell a kratom product that meets any of the following:	263
(a) Contains a controlled substance or a residual solvent	264
higher than is allowed in the United States Pharmacopeia	265
(U.S.P.) general chapter 467;	266
(b) Contains a level of naturally occurring 7-	267
hydroxymitragynine in the alkaloid fraction that is greater than	268
two per cent of the alkaloid composition of the kratom product	269
and contains a level of 7-hydroxymitragynine that is greater	270
than one milligram per serving in its final product form, as	271
documented by a certificate of analysis on the finished product	272
<pre>prior to distribution;</pre>	273
(c) Contains a synthetic kratom-like compound or semi-	274
synthetic alkaloid where mitragynine is not the majority of the	275

alkaloid in the product;	276
(d) Does not include a product label on the kratom product	277
that states the amount of mitragynine and 7-hydroxymitragynine	278
contained in the product.	279
(2) A food processing establishment does not violate	280
division (C)(1) of this section if the establishment	281
demonstrates by a preponderance of the evidence that it relied	282
in good faith on the representation of another registered food	283
processing establishment that the kratom product meets the	284
requirements of division (C)(1) of this section.	285
(D) No food processing establishment registered under	286
section 3715.041 of the Revised Code shall distribute or sell a	287
kratom product without disclosing to the director of agriculture	288
at the time the product is registered the factual basis on which	289
the establishment represents the food as a kratom product.	290
(E) No food processing establishment registered under	291
section 3715.041 of the Revised Code shall distribute or sell a	292
kratom product to an individual who is under eighteen years of	293
age.	294
(F) The director of agriculture shall adopt rules in	295
accordance with Chapter 119. of the Revised Code to implement	296
this section, including rules establishing all of the following:	297
(1) Application procedures and a fee for registering a	298
kratom product. The registration fee established under this	299
section shall be based on the square footage of the food	300
processing establishment and shall not exceed the registration	301
fee for the establishment specified in rule 901:3-21-01 of the	302
Administrative Code.	303
(2) Civil penalties for any of the following:	304

(a) Failing to register a kratom product;	305
(b) Processing, packaging, manufacturing, or holding or	306
handling for distribution an unregistered kratom product;	307
(c) Failing to disclose on the kratom product's label the	308
factual basis on which the establishment represents the food as	309
a kratom product.	310
(3) Standards and procedures for appealing civil	311
<pre>penalties;</pre>	312
(4) Procedures for seizing and destroying a kratom product	313
that does not meet the requirements of this section;	314
(5) Standards and procedures for kratom product testing;	315
(6) Standards for labeling of kratom products;	316
(7) Any other standards or procedures the director	317
determines necessary to implement this section.	318
(G) Notwithstanding any provision of section 121.95 of the	319
Revised Code to the contrary, a regulatory restriction contained	320
in a rule adopted under this section is not subject to sections	321
121.95 to 121.953 of the Revised Code.	322
(H) An individual may bring a civil action for damages	323
resulting from a violation of divisions (B) to (E) of this	324
section.	325
Sec. 3715.99. (A) Whoever violates section 3715.13 or	326
3715.38 of the Revised Code is guilty of a minor misdemeanor.	327
(B) Whoever violates section 3715.22, 3715.25, or 3715.27	328
of the Revised Code is guilty of a misdemeanor of the fourth	329
degree.	330
(C) Whoever violates section 3715.23 or 3715.34 of the	331

Revised Code is guilty of a misdemeanor of the second degree.	332
(D) Whoever violates section 3715.52 or 3715.65 of the	333
Revised Code is guilty of a misdemeanor of the fourth degree on	334
a first offense; on each subsequent offense, the person is	335
guilty of a misdemeanor of the second degree.	336
(E) Whoever violates section 3715.521 of the Revised Code	337
is guilty of a minor misdemeanor. A violation of that section	338
occurs on a daily basis, not according to the number of times	339
per day that an expired drug, baby food, or infant formula is	340
sold, offered for sale, or delivered at retail or to the	341
consumer. Each day of violation is a separate offense.	342
(F) Whoever recklessly violates division (C) or (E) of	343
section 3715.026 of the Revised Code is guilty of a misdemeanor	344
of the second degree.	345
Sec. 3717.01. As used in this chapter:	346
(A) "Ohio uniform food safety code" means the food safety	347
and related standards adopted under section 3717.05 of the	348
Revised Code.	349
(B) "Food" means any raw, cooked, or processed edible	350
substance used or intended for use in whole or in part for human	351
consumption. "Food" includes ice, water or any other beverage,	352
food ingredients, and chewing gum.	353
(C) "Retail food establishment" means a premises or part	354
of a premises where food is stored, processed, prepared,	355
manufactured, or otherwise held or handled for retail sale.	356
Except when expressly provided otherwise, "retail food	357
establishment" includes a mobile retail food establishment,	358
seasonal retail food establishment, and temporary retail food	
seasonal recall rood establishment, and temporary recall rood	359

As used in this division:	361
(1) "Retail" means the sale of food to a person who is the	362
ultimate consumer.	363
(2) "Prepared" means any action that affects a food,	364
including receiving and maintaining it at the temperature at	365
which it was received.	366
(D) "Seasonal retail food establishment" means a retail	367
food establishment, other than a mobile retail food	368
establishment, that is operated for not more than six months in	369
a licensing period.	370
(E) "Temporary retail food establishment" means a retail	371
food establishment that is operated at an event for not more	372
than five consecutive days, except when operated for more than	373
five consecutive days pursuant to division (E)(2) of section	374
3717.23 of the Revised Code.	375
(F) "Food service operation" means a place, location,	376
site, or separate area where food intended to be served in	377
individual portions is prepared or served for a charge or	378
required donation. As used in this division, "served" means a	379
response made to an order for one or more individual portions of	380
food in a form that is edible without washing, cooking, or	381
additional preparation and "prepared" means any action that	382
affects a food other than receiving or maintaining it at the	383
temperature at which it was received.	384
Except when expressly provided otherwise, "food service	385
operation" includes a catering food service operation, food	386
delivery sales operation, mobile food service operation,	387
seasonal food service operation, temporary food service	388
operation, and vending machine location.	389

(G) "Catering food service operation" means a food service	390
operation where food is prepared for serving at a function or	391
event held at an off-premises site, for a charge determined on a	392
per-function or per-event basis.	393
(H) "Food delivery sales operation" means a food service	394
operation from which individual portions of food are ordered by	395
a customer, prepared at another food service operation or a	396
retail food establishment, and delivered to the customer by a	397
person other than an employee of the food service operation or	398
retail food establishment that prepared the food.	399
(I) "Mobile food service operation" means a food service	400
operation that is operated from a movable vehicle, portable	401
structure, or watercraft and that routinely changes location,	402
except that if the operation remains at any one location for	403
more than forty consecutive days, the operation is no longer a	404
mobile food service operation. "Mobile food service operation"	405
includes a food service operation that does not remain at any	406
one location for more than forty consecutive days and serves, in	407
a manner consistent with division (F) of this section, only	408
frozen desserts; beverages, nuts, popcorn, candy, or similar	409
confections; bakery products identified in section 911.01 of the	410
Revised Code; or any combination of those items.	411
(J) "Seasonal food service operation" means a food service	412
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operation, other than a mobile food service operation, that is	413
operated for not more than six months in a licensing period.	414
(K) "Temporary food service operation" means a food	415
service operation that is operated at an event for not more than	416
five consecutive days, except when operated for more than five	417
consecutive days pursuant to division (E)(2) of section 3717.43	418

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of the Revised Code.

(L) "Vending machine location" means an area or room where	420
one or more vending machines are installed and operated, except	421
that if the machines within an area are separated by more than	422
one hundred fifty feet, each area separated by that distance	423
constitutes a separate vending machine location. As used in this	424
division, "vending machine" means a self-service device that	425
automatically dispenses on the insertion of currency, tokens, or	426
similar means a predetermined unit serving of food, either in	427
bulk or in package, without having to be replenished after each	428
use.	429
(M) "Board of health" means a board of health of a city or	430
general health district or the authority having the duties of a	431
board of health under section 3709.05 of the Revised Code.	432
(N) "Government entity" means this state, a political	433
subdivision of this state, another state, or a political	434
subdivision or other local government body of another state.	435
(O) "Licensor" means one of the following:	436
(1) A board of health approved under section 3717.11 of	437
the Revised Code;	438
(2) The director of agriculture acting pursuant to section	439
3717.11 of the Revised Code with respect to the licensing of	440
retail food establishments;	441
(3) The director of health acting pursuant to section	442
3717.11 of the Revised Code with respect to the licensing of	443
food service operations.	444
(P) "Licensing period" means the first day of March to the	445
last day of February of the next succeeding year.	446
(Q) "Mobile retail food establishment" means a retail food	447

establishment that is operated from a movable vehicle or other	448
portable structure, and that routinely changes location, except	449
that if the establishment operates from any one location for	450
more than forty consecutive days, the establishment is no longer	451
a mobile retail food establishment.	452
(R) "Unprocessed," when used with respect to fruits and	453
vegetables, means that the fruits and vegetables are not	454
processed beyond merely rough trimming and rinsing.	455
(S) "Cottage food production operation" has the same	456
meaning as in division (A)(19) of section 3715.01 of the Revised	457
Code.	458
(T) "Kratom" and "kratom product" have the same meanings	459
as in section 3715.01 of the Revised Code.	460
Sec. 3717.34. (A) As used in this section:	461
(1) "Synthesized material" means an alkaloid, metabolite	462
of an alkaloid, or alkaloid derivative that has been created by	463
chemical synthesis or biosynthetic means, including	464
fermentation, recombinant techniques, yeast derived, enzymatic	465
techniques, and oxidation. "Synthesized material" does not	466
include an alkaloid, metabolite of an alkaloid, or alkaloid	467
derivative created by traditional food preparation techniques.	468
(2) "Semi-synthetic alkaloid" means a substance derived	469
from an alkaloid naturally occurring in kratom that has been	470
chemically altered through chemical reactions, including	471
oxidation, reduction, acetylation, or other processes to change	472
the structure or pharmacological activity of the naturally	473
occurring kratom alkaloid. "Semi-synthetic alkaloid" includes	474
the synthesis of 7-hydroxymitragynine when produced by chemical	475
alteration of mitragynine.	476

(3) "Synthetic kratom-like compound" means a synthesized	477
material that is not found naturally in the Mitragyna speciosa	478
plant and is created entirely through laboratory synthesis to	479
mimic the pharmacological effects of kratom alkaloids.	480
(B) No retail food establishment license holder shall	481
store, process, prepare, manufacture, hold or handle for retail	482
sale, or sell a kratom product unless the establishment has	483
registered the kratom product with the director of agriculture.	484
To register a kratom product, a retail food establishment	485
license holder shall apply to the director of agriculture or	486
director of health in a manner prescribed by the director.	487
(C)(1) No retail food establishment license holder shall	488
store, process, prepare, manufacture, hold or handle for retail	489
sale, or sell a kratom product that meets any of the following:	490
(a) Contains a controlled substance or a residual solvent	491
higher than is allowed in the United States Pharmacopeia	492
(U.S.P.) general chapter 467;	493
(b) Contains a level of naturally occurring 7-	494
hydroxymitragynine in the alkaloid fraction that is greater than	495
two per cent of the alkaloid composition of the kratom product	496
and contains a level of 7-hydroxymitragynine that is greater	497
than one milligram per serving in its final product form, as	498
documented by a certificate of analysis on the finished product	499
<pre>prior to distribution;</pre>	500
(c) Contains a synthetic kratom-like compound or semi-	501
synthetic alkaloid where mitragynine is not the majority of the	502
alkaloid in the product;	503
(d) Does not include a product label on the kratom product	504
that states the amount of mitragynine and 7-hydroxymitragynine	505

contained in the product.	506
(2) A retail food establishment license holder does not	507
violate division (C)(1) of this section if the holder	508
demonstrates by a preponderance of the evidence that the holder	509
relied in good faith on the representation of another license	510
holder or a food processing establishment registered under	511
section 3715.041 of the Revised Code that the kratom product	512
meets the requirements of division (C)(1) of this section.	513
(D) No retail food establishment license holder shall sell	514
a kratom product without disclosing to the director of	515
agriculture at the time the product is registered the factual	516
basis on which the holder represents the food as a kratom	517
<pre>product.</pre>	518
(E) No retail food establishment license holder shall sell	519
a kratom product to an individual who is under eighteen years of	520
age.	521
(F) The director of agriculture and director of health	522
shall adopt rules in accordance with Chapter 119. of the Revised	523
Code to implement this section, including rules establishing all	524
<pre>of the following:</pre>	525
(1) Application procedures and a fee for registering a	526
kratom product. The registration fee for a retail food	527
establishment established under this section shall be based on	528
the square footage of the retail food establishment and shall	529
not exceed the registration fee for a food processing	530
establishment with equivalent square footage specified in rule	531
901:3-21-01 of the Administrative Code.	532
(2) Civil penalties for any of the following:	533
(a) Failing to register a kratom product;	534

(b) Selling an unregistered kratom product;	535
(c) Failing to disclose on the kratom product's label the	536
factual basis on which the holder represents the food as a	537
kratom product.	538
(3) Standards and procedures for appealing civil	539
<pre>penalties;</pre>	540
(4) Procedures for seizing and destroying a kratom product	541
that does not meet the requirements of this section;	542
(5) Standards and procedures for kratom product testing;	543
(6) Standards for labeling of kratom products;	544
(7) Any other standards or procedures the director	545
determines necessary to implement this section.	546
(G) Notwithstanding any provision of section 121.95 of the	547
Revised Code to the contrary, a regulatory restriction contained	548
in a rule adopted under this section is not subject to sections	549
121.95 to 121.953 of the Revised Code.	550
(H) An individual may bring a civil action for damages	551
resulting from a violation of divisions (A) to (D) of this	552
section.	553
Sec. 3717.99. Whoever violates section 3717.21 or 3717.41	554
of the Revised Code is guilty of a misdemeanor of the third	555
degree on a first offense; for a second offense or subsequent	556
offense, such person is guilty of a misdemeanor of the second	557
degree. Each day the violation continues is a separate offense.	558
Whoever recklessly violates division (C) or (E) of section	559
3717.34 of the Revised Code is guilty of a misdemeanor of the	560
second degree.	561

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Section 2. That existing sections 3715.01, 3715.99,	562
3717.01, and 3717.99 of the Revised Code are hereby repealed.	563