



Position Statement: Virginia Kratom Reform

Background Information

Kratom is legal for adult sale in Virginia but faces minimal oversight. The absence of comprehensive marketing, labeling, and potency controls increases public health risks and physical dependency.

The Virginia Kratom Consumer Protection Act (2023) established baseline labeling and purity standards but fails to address critical gaps, including:

- Marketing that appeals to minors (e.g., candy or cartoon packaging)
- High concentrations of psychoactive alkaloids, such as 7-OH
- Consistent penalties for sales to underage consumers that match penalties for alcohol

Proposed Reforms for Virginia

1. Prohibit Youth-Oriented Marketing

Virginia should prohibit marketing, packaging, or advertising that could appeal to minors, including:

- Cartoon characters, candy or snack imagery, or bright “energy drink”-style packaging
- Digital advertisements or social media campaigns targeting individuals under 21
- Retail placement alongside products marketed to children (e.g., candy or toys)

Modeled after: West Virginia Code §19-12F-9a; 61 CSR 30.

2. Age Restriction and Penalties

Virginia should explicitly prohibit the sale, gift, or distribution of kratom to anyone under 21, with penalties consistent with those for selling alcohol to minors.

Classification: *Class 1 misdemeanor*

Penalty:

- Up to 12 months in jail, and/or
- A fine of up to \$2,500, and
- Mandatory 12-month driver's license suspension (court may allow restricted driving privileges for work or education)

Modeled after: Virginia Code § 4.1-304 – Sale of Alcohol to Persons Under 21

3. Limit Potency of 7-Hydroxymitragynine

To reduce overdose and dependency risk, Virginia should prohibit the manufacture, sale, or distribution of kratom products containing more than 2% 7-hydroxymitragynine (7-OH) by dry weight.

This mirrors product safety thresholds used in Florida, Utah, and Colorado.

4. Strengthen Labeling and Testing Standards

Each kratom product sold in Virginia must:

- Disclose mitragynine and 7-OH alkaloid content by percentage.
- Include a batch number, production date, and third-party testing certificate.
- State the name and contact information of the manufacturer or distributor.

5. Funding and Oversight

Virginia should implement a small licensing or registration fee for manufacturers and retailers to directly fund:

- Laboratory testing
- Enforcement activities
- Public education on safe use and prevention