

HOUSE BILL NO. 875
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee for Courts of Justice
on _____)
(Patron Prior to Substitute—Delegate Kent)

A BILL to amend and reenact § 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 60, consisting of sections numbered 59.1-614 through 59.1-618, relating to kratom; Virginia Consumer Protection Act.

Be it enacted by the General Assembly of Virginia:

10 1. That § 59.1-200 of the Code of Virginia is amended and reenacted and that the Code of Virginia is
11 amended by adding in Title 59.1 a chapter numbered 60, consisting of sections numbered 59.1-614
12 through 59.1-618, as follows:

§ 59.1-200. Prohibited practices.

14 A. The following fraudulent acts or practices committed by a supplier in connection with a consumer
15 transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, reposessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, reposessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or "not first class";
8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

31 In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant
32 thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or
33 offered, shall be *prima facie* evidence of a violation of this subdivision. This paragraph shall not apply when
34 it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are
35 advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or
36 services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or
37 reasonably expected to have at least such quantity or amount for sale;

38 9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of
39 price reductions;

40 10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts
41 installed;

42 11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill
43 for merchandise or services previously ordered;

44 12. Notwithstanding any other provision of law, using in any manner the words "wholesale,"
45 "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's
46 business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the
47 goods or services advertised or offered for sale;

48 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or
49 attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that
50 are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal
51 statutes or regulations;

52 13a. Failing to provide to a consumer, or failing to use or include in any written document or material
53 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,
54 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so
55 provide, use, or include the statement, disclosure, notice, or other information in connection with the
56 consumer transaction;

57 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection
58 with a consumer transaction;

59 15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516,

60 or 3.2-6519 is a violation of this chapter;

61 16. Failing to disclose all conditions, charges, or fees relating to:

62 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign
63 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be
64 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not
65 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this
66 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than
67 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of
68 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of
69 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be
70 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to
71 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor
72 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order
73 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's
74 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor
75 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

76 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of
77 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the
78 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure
79 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

80 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5
81 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such
82 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving
83 overpayments. If the credit balance information is incorporated into statements of account furnished
84 consumers by suppliers within such 60-day period, no separate or additional notice is required;

85 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in
86 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

87 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

88 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

89 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

90 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17
91 et seq.);

92 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

93 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et
94 seq.);

95 24. Violating any provision of § 54.1-1505;

96 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6
97 (§ 59.1-207.34 et seq.);

98 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

99 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

100 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

101 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

102 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et
103 seq.);

104 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

105 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

106 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

107 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

108 35. Using the consumer's social security number as the consumer's account number with the supplier, if
109 the consumer has requested in writing that the supplier use an alternate number not associated with the
110 consumer's social security number;

111 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

112 37. Violating any provision of § 8.01-40.2;

113 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

114 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

115 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

116 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525
117 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in
118 § 59.1-526;

119 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

120 43. Violating any provision of § 59.1-443.2;

121 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

122 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

123 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

124 47. Violating any provision of § 18.2-239;

125 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

126 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has
127 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable
128 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has
129 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the
130 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's
131 products that are used, secondhand or "seconds";

132 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

133 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

134 52. Violating any provision of § 8.2-317.1;

135 53. Violating subsection A of § 9.1-149.1;

136 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling
137 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This
138 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective
139 drywall has been permanently installed or affixed;

140 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a
141 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to
142 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of
143 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et
144 seq.) of Title 54.1;

145 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

146 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

147 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,
148 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer
149 by a supplier to a small business, as those terms are defined in § 59.1-207.45;

150 59. Violating any provision of subsection E of § 32.1-126;

151 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under
152 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;

153 61. Violating any provision of § 2.2-2001.5;

154 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;

155 63. Violating any provision of § 6.2-312;

156 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;

157 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;

158 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);

159 67. Knowingly violating any provision of § 8.01-27.5;

160 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel
161 a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a
162 consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an
163 obligation to pay for the goods or services;

164 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
165 that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic
166 derivative" means a chemical compound produced by man through a chemical transformation to turn a
167 compound into a different compound by adding or subtracting molecules to or from the original compound.
168 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug
169 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit
170 any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

171 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human
172 consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply
173 to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
174 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
175 16 (§ 4.1-1600 et seq.) of Title 4.1;

176 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
177 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as
178 defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an
179 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21
180 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a
181 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance

182 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)
183 accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to
184 standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting
185 body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol
186 concentration of the batch from which the substance originates. This subdivision shall not (i) apply to
187 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
188 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter
189 16 (§ 4.1-1600 et seq.) of Title 4.1;

190 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in
191 § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol
192 that depicts or is in the shape of a human, animal, vehicle, or fruit;

193 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,
194 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper
195 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §
196 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,
197 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,
198 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

199 74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a
200 label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to
201 products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the
202 Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16
203 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July
204 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

205 75. Violating any provision of § 59.1-466.8;

206 76. Violating subsection F of § 36-96.3:1;

207 77. ~~Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any~~
208 ~~kratom product that does not include a label listing all ingredients and with the following guidance: "This~~
209 ~~product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose,~~
210 ~~treat, cure, or prevent any disease."~~ As used in this subdivision, "kratom" means any part of the leaf of the
211 plant *Mitragyna speciosa* or any extract thereof ~~Violating any provision of Chapter 60 (§ 59.1-614 et seq.);~~

212 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved

213 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted
214 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,
215 whether before or after determination of guilt, without a conspicuous statement that such advertisement is not
216 affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the
217 same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning
218 ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not
219 apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the
220 Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved
221 location;

222 79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a
223 consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any
224 such good or provision of any such continuous service;

225 80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);

226 81. Selling or offering for sale services as a professional mold remedediator to be performed upon any
227 residential dwelling without holding a mold remediation certification from a nationally or internationally
228 recognized certifying body for mold remediation, and failing to comply with (i) the U.S. Environmental
229 Protection Agency's publication on Mold Remediation in Schools and Commercial Buildings, as revised; (ii)
230 the ANSI/IICRC S520 Standard for Professional Mold Remediation, as revised; or (iii) any other equivalent
231 ANSI-accredited mold remediation standard, when conducting or offering to conduct mold remediation in the
232 Commonwealth;

233 82. Willfully violating any provision of § 59.1-444.4;

234 83. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.);

235 84. Selling any food that is required by the FDA to have a nutrition label that does not meet the
236 requirements of 21 C.F.R. Part 101;

237 85. Obtaining, disclosing, selling, or disseminating any personally identifiable reproductive or sexual
238 health information without the consent of the consumer;

239 86. Violating any provision of Chapter 58 (§ 59.1-607 et seq.); and

240 87. (Effective July 1, 2026) Violating any provision of the Medical Debt Protection Act (§ 59.1-611 et
241 seq.).

242 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease

243 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth
244 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation
245 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

246 *CHAPTER 60.*

247 *REGULATION OF KRATOM.*

248 **§ 59.1-614. Definitions.**

249 *As used in this chapter, unless the context requires a different meaning:*

250 *"Adulterated" means the addition of fentanyl or any other controlled substance, a synthesized alkaloid or*
251 *semi-synthesized alkaloid, or another substance prohibited by law.*

252 *"Alkaloid fraction" means a portion of a plant or plant extract that contains primarily alkaloid*
253 *compounds.*

254 *"Controlled substance" means the same as that term is defined in § 54.1-3401.*

255 *"Kratom" means (i) any part of the leaf of the *Mitragyna speciosa* plant if the plant contains the alkaloid*
256 *mitragynine or 7-hydroxymitragynine or (ii) a synthetic material that contains the alkaloid mitragynine or 7-*
257 *hydroxymitragynine.*

258 *"Kratom leaf" means the leaf of the *Mitragyna speciosa* plant in fresh, dehydrated, or dried form.*

259 *"Kratom leaf extract" means the material extracted from a kratom leaf through the application of a*
260 *solvent consisting of water, ethanol, food-grade carbon dioxide, or another solvent allowed by federal or*
261 *state law to be used in the manufacturing of a food ingredient.*

262 *"Kratom product" means a food or dietary supplement that consists of or contains any part of a kratom*
263 *leaf, a kratom leaf extract, or any kratom alkaloid, kratom constituent, or kratom metabolite. "Kratom*
264 *product" does not include any synthesized alkaloids or semi-synthesized alkaloids.*

265 *"Semi-synthesized alkaloid" means an alkaloid or alkaloid derivative of the kratom leaf that has been*
266 *created by chemical synthesis or biosynthetic means, including fermentation, recombinant techniques, yeast-*
267 *derived techniques, and enzymatic techniques but not by traditional food preparation techniques such as heat*
268 *or extracting.*

269 *"Supplier" means the same as that term is defined in § 59.1-198.*

270 **§ 59.1-615. Prohibited practices.**

271 *A. No supplier shall knowingly prepare, distribute, advertise, sell, or offer to sell a kratom product (i) that*
272 *is adulterated; (ii) to a person younger than 21 years of age; (iii) that contains a level of 7-*
273 *hydroxymitragynine in the alkaloid fraction that is greater than two percent of the alkaloid composition of*

274 the kratom product; (iv) that is a confection, mimics a candy product, or is manufactured, packaged, or
275 distributed in a way that is appealing to children, including the distinct shape of a human, an animal, or
276 fruit; or (v) that is combustible or intended for vaporization.

277 B. No supplier shall knowingly prepare, distribute, advertise, sell, or offer to sell a kratom product that
278 does not have a label that clearly and conspicuously sets forth on each retail package:

279 1. The name and address for the place of business of the manufacturer or distributor of the kratom
280 product;

281 2. The full list of ingredients in the kratom product;

282 3. A disclosure and advice (i) against the use by individuals who are younger than 21 years of age,
283 pregnant, or breastfeeding; (ii) to consult a health care professional prior to use; (iii) that kratom may be
284 habit-forming; and (iv) that kratom may interact with certain medications, drugs, and controlled substances;

285 4. The following statement: "THESE STATEMENTS HAVE NOT BEEN EVALUATED BY THE FOOD
286 AND DRUG ADMINISTRATION. THIS PRODUCT IS NOT INTENDED TO DIAGNOSE, TREAT, CURE,
287 OR PREVENT ANY DISEASE. KEEP OUT OF REACH OF CHILDREN."; and

288 5. Directions for use that include (i) a recommended amount of the kratom product per serving, (ii) the
289 number of recommended servings of the kratom product per package, (iii) a recommended number of
290 servings of the kratom product that can safely be consumed in a 24-hour period, and (iv) quantitative
291 declarations of the amount of mitragynine and 7-hydroxymitragynine per serving of the kratom product.

292 C. No supplier shall display or store kratom products in a retail location in a manner that will allow the
293 products to be accessed by persons younger than 21 years of age.

294 D. No supplier shall manufacture, package, label, or distribute a kratom product that (i) contains
295 synthesized alkaloids or semi-synthesized alkaloids or (ii) has a level of 7-hydroxymitragynine in the alkaloid
296 fraction that is greater than two percent of the alkaloid composition of the product.

297 **§ 59.1-616. Age verification required.**

298 A. Before giving, selling, distributing, dispensing, or offering to sell to any person any kratom product, a
299 supplier shall verify that the person is of legal age by examining from any person who appears to be younger
300 than 30 years of age a government-issued photographic identification that establishes that the person is of
301 legal age.

302 B. The provisions of subsection A shall not apply to mail order or internet sales, provided that the
303 supplier offering the kratom product for sale through mail order or the internet (i) prior to the sale of the
304 kratom product verifies that the purchaser is at least 21 years of age through a commercially available

305 *database that is regularly used by businesses or governmental entities for the purpose of age and identity*
306 *verification and (ii) uses a method of mailing, shipping, or delivery that requires the signature of a person at*
307 *least 21 years of age before the kratom product will be released to the purchaser.*

308 *C. It shall be an affirmative defense for any supplier alleged to have violated this section that the supplier*
309 *furnishing the kratom product was presented with and reasonably relied upon a government-issued*
310 *photographic identification that identified the person receiving the kratom product as being 21 years of age*
311 *or older.*

312 **§ 59.1-617. Exemption from chapter.**

313 *A. The provisions of this chapter shall not be applicable to the possession of any kratom product by a*
314 *person younger than 21 years of age (i) making a delivery of such kratom product in pursuance of his*
315 *employment or (ii) as part of a scientific study being conducted by an organization for the purpose of medical*
316 *research to further efforts in kratom use prevention and cessation and kratom product regulation, provided*
317 *that such medical research has been approved by an institutional review board pursuant to applicable*
318 *federal regulations or by a research review committee pursuant to Chapter 5.1 (§ 32.1-162.16 et seq.) of Title*
319 *32.1.*

320 *B. This chapter shall not apply to the possession of any kratom product by a law-enforcement officer or*
321 *his agent when the same is necessary in the performance of his duties.*

322 **§ 59.1-618. Enforcement; penalties.**

323 *Any violation of this chapter shall constitute a prohibited practice under the provisions of § 59.1-200 and*
324 *shall be subject to any and all of the enforcement provisions of the Virginia Consumer Protection Act*
325 *(§ 59.1-196 et seq.).*