

LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

KRATOM: SUMMARY OF STATE LAWS

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KRATOM: SUMMARY OF STATE LAWS

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SUMMARY

Kratom is an herb derived from a leafy Southeast Asian tree, known formally as *Mitragyna speciosa*.¹ Kratom contains two psychoactive compounds, mitragynine and 7-hydroxymitragynine; both of these compounds can bind to μ -opioid receptors in the brain and produce a pharmacological response similar to effects produced by other μ -opioid agonists, such as morphine.² Kratom produces a mild stimulant effect in small doses, opioid-like effects in moderate to high doses, and sedative properties in very high doses.³ An estimated 11 to 15 million Americans consume kratom products regularly.⁴ For more information about the history of kratom and its uses, please see the Legislative Analysis and Public Policy Association (LAPPA)'s [kratom factsheet](#).

At the federal level, kratom products are neither specifically regulated, nor are kratom, mitragynine, or 7-hydroxymitragynine considered controlled substances. Within the past decade, however, some states placed limitations on—without wholly prohibiting—the possession, distribution, sale, and/or manufacture of kratom products. These limitations occasionally involve setting forth specific information that must be disclosed on a kratom product's label. In contrast, several other states designated mitragynine and 7-hydroxymitragynine as Schedule I controlled substances, thus making kratom products illegal.

During 2022, LAPPA undertook a research project to identify both currently-in-force statutes and recently proposed legislation, throughout all 50 states, the District of Columbia, and U.S. territories, concerning the treatment kratom, mitragynine, and 7-hydroxymitragynine. LAPPA is aware that city and county ordinances related to kratom exist, however, keeping track of new and amended local laws is difficult due to the fact there is no legal database containing the municipal code for all U.S. counties and incorporated places. This document contains the results of this research project, updated periodically since initial publication. LAPPA updated the document in 2024. Starting on page 8, LAPPA provides jurisdiction-by-jurisdiction tables describing aspects of each law currently in effect as of February 2024, including:

- Statutory or regulatory citation(s) and effective date(s) of kratom related laws or regulations, if any;
- Dates of substantive amendments to the cited statutes or regulations, if any;
- Whether kratom or its related substances is controlled in the jurisdiction;

¹ Laurie McGinley and Katie Zezima, "Kratom is hailed as a natural pain remedy, assailed as an addictive killer. The U.S. wants to treat it like heroin," *Washington Post*, February 10, 2018,

https://www.washingtonpost.com/national/health-science/kratom-is-hailed-as-a-natural-pain-remedy-assailed-as-an-addictive-killer-the-us-wants-to-treat-it-like-heroin/2018/02/10/aaf4bf7c-077e-11e8-b48c-b07fea957bd5_story.html.

² Ike Swetlitz, "HHS recommended that DEA make kratom a Schedule I drug, like LSD or heroin," *Stat*, November 9, 2018, <https://www.statnews.com/2018/11/09/hhs-recommended-dea-ban-kratom-documents-show/>.

³ Joey Garrison, "Poison reports related to herbal drug kratom soar, new study says," *USA Today*, February 24, 2019, <https://www.usatoday.com/story/news/nation/2019/02/23/kratom-poisonings-herbal-drug-used-opioid-withdrawal-soar/2949239002/>.

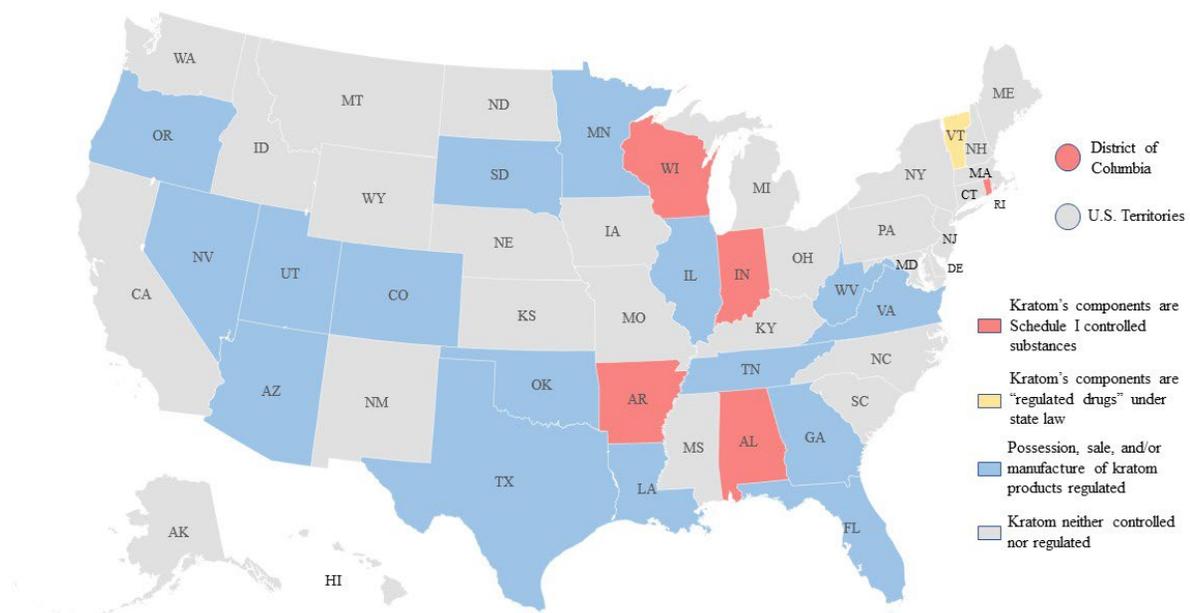
⁴ "Policy Brief: What is Kratom?," American Kratom Association, last modified January 2021, https://assets.website-files.com/61858fcec654303987617512/619ddeac793d144d09fbc28a_aka-policy-brief-1---what-is-kratom-jan-2021.pdf.

- Defined terms;
- Limitations on the possession, distribution, sale, or manufacture of kratom products;
- Requirements for kratom product labels;
- Penalties for violations;
- Other kratom related provisions of note; and
- Recently introduced, but not enacted, legislation (as of the July 2023 update, all recently introduced legislation is in one section at the end of the document).

LAPPA designed this document to: (1) provide a singular resource for each jurisdiction's laws; (2) allow for a comparison of these laws between jurisdictions; and (3) identify and highlight interesting provisions. The primary conclusions from the research and analysis are set forth below accompanied by several maps depicting many of the results in graphic form.⁵

- As of February 2024, 22 states and the District of Columbia regulate kratom or its components in some manner. In six states (Alabama, Arkansas, Indiana, Rhode Island, Vermont, and Wisconsin) and the District of Columbia, kratom's psychoactive components are controlled substances.⁶ In 16 states, the possession, sale, manufacture, etc. of kratom products is regulated. Twenty-eight states do not control or regulate kratom. Additionally, kratom is not regulated or controlled in any of the U.S. territories.

Kratom: Regulation of Components and Products

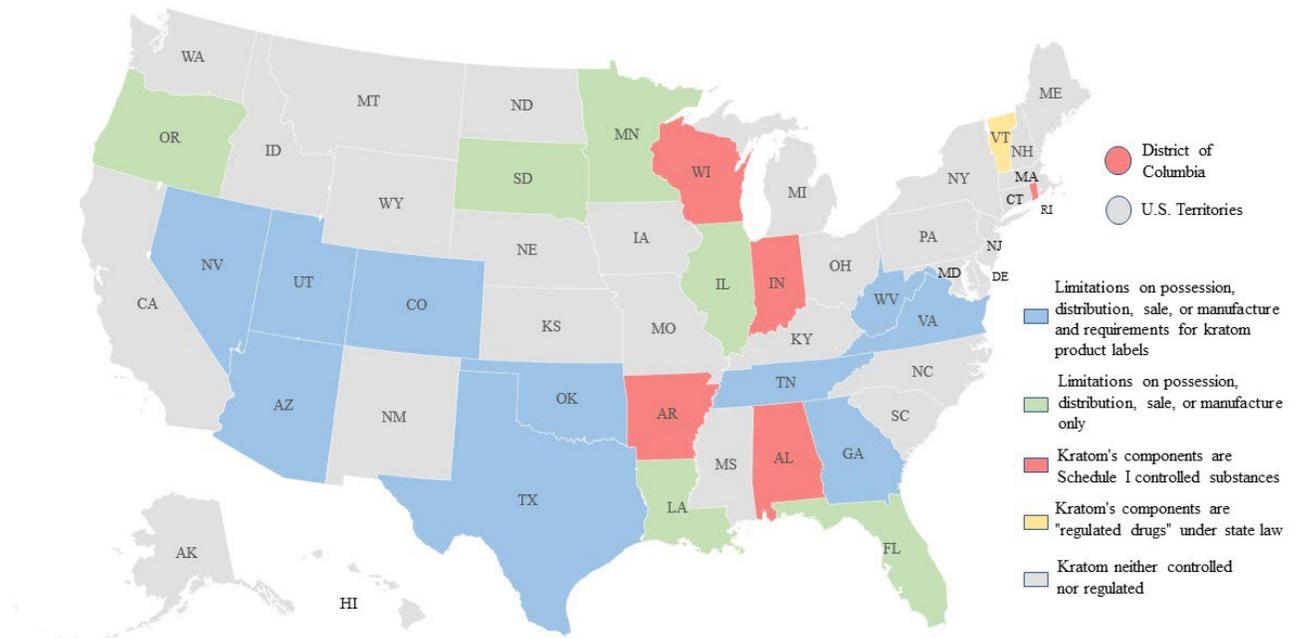


⁵ The goal of this research document is to provide accurate and complete information that is free of omissions or errors. If you believe that this document contains misinformation, omissions, or errors, please email LAPPA at info@thelappa.org.

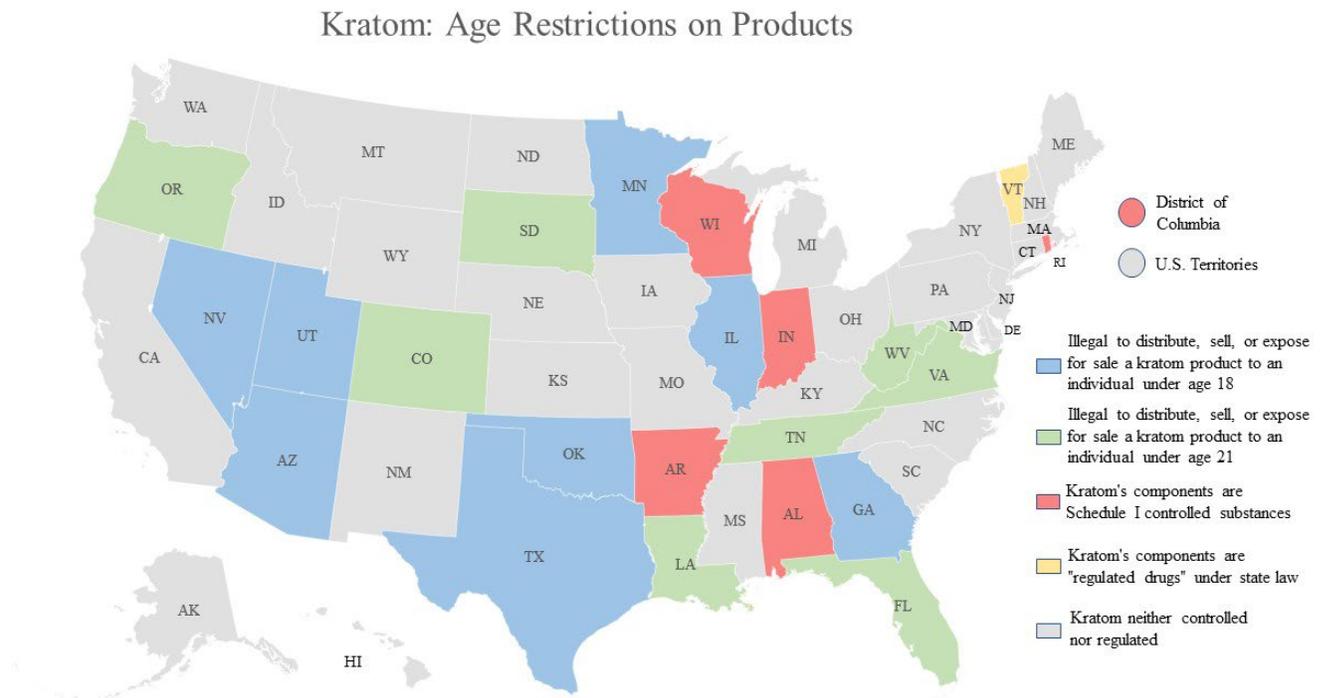
⁶ In Vermont, kratom's components are "regulated drugs," making them generally illegal except as specifically allowed. VT. STAT. ANN. tit. 18, § 4205 (West 2024). In the remaining jurisdictions, kratom components are Schedule I controlled substances.

- Of the 16 states in which the possession, distribution, sale, or manufacture of kratom products is regulated, 10 states (Arizona, Colorado, Georgia, Nevada, Oklahoma, Tennessee, Texas, Utah, Virginia, and West Virginia) also place requirements for kratom product labels. In the other six states (Florida, Illinois, Louisiana, Minnesota, Oregon, and South Dakota), there are no product labeling requirements.

Kratom: Types of Product Regulation



- In all 16 states where the possession, distribution, sale, or manufacture of kratom products is regulated, the regulation contains age restrictions. In eight states (Arizona, Georgia, Illinois, Minnesota, Nevada, Oklahoma, Texas, and Utah), kratom products are restricted to individuals over the age of 18. In the other eight states (Colorado, Florida, Louisiana, Oregon, South Dakota, Tennessee, Virginia, and West Virginia), the age restriction is age 21 and older.



<u>ALABAMA</u>	
Statute(s), regulation(s), and initial effective date(s)	ALA. CODE § 20-2-23 (West 2024).
Substantive amendment(s) to statewide law(s)	May 10, 2016 – Kratom-related substances added to the list of Schedule I controlled substances.
Is kratom or its related substances controlled?	Yes. Mitragynine and 7-hydroxymitragynine are Schedule I controlled substances.
Defined term(s)	None.
Limitations on possession, distribution, sale, or manufacture	The limitations placed by Alabama law on Schedule I controlled substances.
Product label requirements	None.
Penalties for violations	The penalties placed by Alabama law on Schedule I controlled substances.
Other statewide provisions of note	None.
Recently proposed legislation	None.

<u>ALASKA</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	None.

<u>ARIZONA</u>	
Statute(s), regulation(s), and initial effective date(s)	ARIZ. REV. STAT. ANN. §§ 36-795 to 36-795.03 (West 2024) (eff. Aug. 27, 2019).
Substantive amendment(s) to statewide law(s)	September 24, 2022 – Amendment modifying definitions, contamination of product provisions, and applicability of statute relating to pure food control.
Is kratom or its related substances controlled?	No.
Defined term(s)	<ul style="list-style-type: none"> • “Processor” is a person that sells, prepares, manufactures, distributes, wholesales, or maintains kratom products or that advertises, represents, or holds itself out as selling, preparing or maintaining kratom products.” • “Retailer” is a person that sells or distributes kratom products or that advertises, represents, or holds itself out as selling or maintaining kratom products. • “Kratom product” is a food product or dietary ingredient containing any part of the leaf of the plant <i>Mitragyna speciosa</i>.
Limitations on possession, distribution, sale, or manufacture	<ul style="list-style-type: none"> • Processors and retailers may not prepare, distribute, sell, or expose for sale any kratom products: <ul style="list-style-type: none"> ○ Adulterated with a dangerous non-kratom substance; ○ Contaminated with a dangerous non-kratom substance, including any controlled substance; ○ Containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than two (2) percent of the alkaloid composition of the product; or ○ Containing any synthetic alkaloid, including synthetic mitragynine, synthetic 7-hydroxymitragynine or any other synthetically derived compounds of the kratom plant. • Dealers (or processors/retailers, after September 2022) may not distribute, sell, or expose for sale a kratom product to an individual under age 18.
Product label requirements	<ul style="list-style-type: none"> • Dealers (or processors/retailers, after September 2022) that prepare, distribute, sell, or expose for sale a food that is represented to be a kratom product must disclose on the product label the factual basis on which that representation is made. • Dealers (or processors/retailers, after September 2022) may not prepare, distribute, sell, or expose for sale a kratom product that does not include on its package or label the amount of mitragynine and 7-hydroxymitragynine contained in the product.

<u>ARIZONA</u>	
Penalties for violations	<ul style="list-style-type: none"> • Violations are class 2 misdemeanors. • Individuals aggrieved by a violation may bring a private cause of action in a court of competent jurisdiction for damages resulting from that violation, including economic, noneconomic or consequential damages. • Effective September 2022, violations and enforcement is also governed by Ariz. Rev. Stat §§ 36-901 to 36-980 (West 2024) (statutes governing pure food control).
Other statewide provisions of note	Dealers do not violate the law if a court finds by a preponderance of the evidence that the dealer relied in good faith on the representation of a manufacturer, processor, packer, or distributor that the food was a kratom product.
Recently proposed legislation	None.

<u>ARKANSAS</u>	
Statute(s), regulation(s), and initial effective date(s)	ARK. ADMIN. CODE § 007.07.2 (West 2024).
Substantive amendment(s) to statewide law(s)	November 8, 2015 – Kratom-related substances added to the list of Schedule I controlled substances.
Is kratom or its related substances controlled?	Yes. Mitragynine and 7-hydroxymitragynine are Schedule I controlled substances.
Defined term(s)	None.
Limitations on possession, distribution, sale, or manufacture	The limitations placed by Arkansas law on Schedule I controlled substances.
Product label requirements	None.
Penalties for violations	The penalties placed by Arkansas law on Schedule I controlled substances.
Other statewide provisions of note	None.
Recently proposed legislation	None.

<u>CALIFORNIA</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>COLORADO</u>	
Statute(s), regulation(s), and initial effective date(s)	<ul style="list-style-type: none"> • COLO. REV. STAT. ANN. § 18-13-132 (West 2024) (eff. Aug. 10, 2022) (furnishing kratom products to underage persons). • COLO. REV. STAT. ANN. § 44-1-105 (West 2024) (eff. Aug. 10, 2022) (regulation of kratom, prohibited acts, and definition).
Substantive amendment(s) to statewide law(s)	None.
Is kratom or its related substances controlled?	No.
Defined term(s)	“Kratom product” means any product or ingredient containing: (1) any part of the leaf of the <i>Mitragyna speciosa</i> plant if the plant contains the alkaloid mitragynine or 7-hydroxymitragynine; or (2) a synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine.
Limitations on possession, distribution, sale, or manufacture	<ul style="list-style-type: none"> • Effective in August 2022, a person may not give, sell, distribute, dispense, or offer for sale a kratom product to any person who is under age 21. Before giving, selling, distributing, dispensing, or offering to sell to an individual any kratom product, a person shall request from the individual and examine a government-issued photo ID that establishes that the individual is 21 years of age or older. • Effective July 1, 2024, a person may not: <ul style="list-style-type: none"> ○ Knowingly prepare, distribute, advertise, sell, or offer to sell a kratom product that is adulterated with fentanyl, or any other controlled substance; ○ Knowingly prepare, distribute, advertise, sell, or offer to sell a kratom product to a person under 21 years of age; or ○ Display or store kratom products in a retail location in a manner that will allow the products to be accessed by individuals under 21 years of age.
Product label requirements	Effective July 1, 2024, a person may not sell a kratom product that does not have a label that clearly sets forth: (1) the identity and address of the manufacturer; and (2) the full list of ingredients in the kratom product.

<u>COLORADO</u>	
Penalties for violations	<ul style="list-style-type: none"> • A person who violates COLO. REV. STAT. ANN. § 18-13-132 (West 2024) commits a civil infraction subject to a fine of \$200. It is an affirmative defense to a prosecution if the person purchasing the kratom product presented a government-issued phot ID that identified the individual as being 21 years of age or older and the person furnishing the kratom product reasonably relied upon that ID. • As noted below, the executive director of the department of revenue will determine the penalties for all other prohibited actions.
Other statewide provisions of note	None.
Other statewide provisions of note (continued)	<ul style="list-style-type: none"> • The Department must engage relevant stakeholders, including kratom processors, kratom consumers, kratom retailers, public health officials, legislative members, state agencies with expertise in similar regulatory fields, local governments, and others, in order to inform the feasibility report. • Nothing in COLO. REV. STAT. ANN. § 18-13-132 (West 2024) prohibits a statutory or home rule municipality, county, or city from enacting an ordinance or resolution that prohibits the sale of any kratom products to individuals under 21 years of age or imposes requirements more stringent than provided in that section.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>CONNECTICUT</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>DELAWARE</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	None.

<u>DISTRICT OF COLUMBIA</u>	
Statute(s), regulation(s), and initial effective date(s)	D.C. Mun. Regs. tit. 22-B § 1201 (2024). ⁸
Substantive amendment(s) to statewide law(s)	March 25, 2016 – Kratom-related substance added to the list of Schedule I controlled substances via regulation.
Is kratom or its related substances controlled?	Yes. According to current District of Columbia regulations (but not statute), 7-hydroxymitragynine is a Schedule I controlled substance.
Defined term(s)	None.
Limitations on possession, distribution, sale, or manufacture	The limitations placed by District of Columbia law on Schedule I controlled substances.
Product label requirements	None.
Penalties for violations	The penalties placed by District of Columbia law on Schedule I controlled substances.
Other statewide provisions of note	None.
Recently proposed legislation	None.

⁸ The legal status of kratom in the District of Columbia (D.C.) appears unclear. District law contains two lists of controlled substances, one in statute and one in regulation. According to the Schedule I in statute (D.C. CODE § 48-902.04 (West 2024)), neither kratom nor its psychoactive compounds, mitragynine and 7-hydroxymitragynine, are scheduled or have ever been scheduled. In contrast, according to the Schedule I in regulation (D.C. Mun. Regs. tit. 22-B § 1201 (2023)), D.C. authorities placed 7-hydroxymitragynine into the schedule in March 2016, where it remains today. Several online sources suggest that D.C. authorities removed 7-hydroxymitragynine from Schedule I in 2019. *See, e.g., Is Kratom Legal in Washington D.C.?*, KRAOMA (April 12, 2019), <https://kraoma.com/kratom-washington-dc-legality/>. These sources may conflate the 2019 amendment to D.C. CODE § 48-902.04 (which as noted above, did not contain 7-hydroxymitragynine prior to the amendment), with removing 7-hydroxymitragynine from the enumerated list of Schedule I substances in D.C. regulations.

<u>FLORIDA</u>	
Statute(s), regulation(s), and initial effective date(s)	FLA. STAT. ANN. § 500.92 (West 2024) (eff. July 1, 2023).
Substantive amendment(s) to statewide law(s)	None.
Is kratom or its related substances controlled?	No.
Defined term(s)	“Kratom product” is defined as a food product, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption which contains any part of the leaf of the plant <i>Mitragyna speciosa</i> or an extract, synthetic alkaloid, or synthetically derived compound of such plant and is manufactured as a powder, capsule, pill, beverage, or other edible form.
Limitations on possession, distribution, sale, or manufacture	It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product to a person who is under 21 years of age.
Product label requirements	None.
Penalties for violations	A person who violates FLA. STAT. ANN. § 500.92 (West 2024) is guilty of a misdemeanor of the second degree.
Other statewide provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>GEORGIA</u>	
Statute(s), regulation(s), and initial effective date(s)	GA. CODE ANN. §§ 16-13-120 to 16-13-122 (West 2024) (eff. April 26, 2019).
Substantive amendment(s) to statewide law(s)	None.
Is kratom or its related substances controlled?	No.
Defined term(s)	“Kratom” means the tropical evergreen known as <i>Mitragyna speciosa</i> , which is native to Southeast Asia and contains the alkaloid mitragynine.
Limitations on possession, distribution, sale, or manufacture	No person shall sell or transfer possession of kratom to another person under 18 years of age, nor shall any person under 18 years of age possess kratom.
Product label requirements	Kratom packaging must be accompanied by a label bearing the following information prior to its sale in Georgia: <ul style="list-style-type: none"> • Clearly labeled ingredients; • That the sale or transfer possession of kratom to another person under 18 years of age is prohibited; • The amount of mitragynine and 7-hydroxymitragynine contained in such product; • The amount of mitragynine and 7-hydroxymitragynine contained in the packaging for such product; • The common or usual name of each ingredient used in the manufacture of such product, listed in descending order of predominance; • The name and the principal mailing address of the manufacturer or the person responsible for distributing such product; • Clear and adequate directions for the consumption and safe and effective use of such product; and • Any precautionary statements as to the safety and effectiveness of such product.
Penalties for violations	Any person convicted of violating the sale, transfer, or possession provisions, is guilty of a misdemeanor.
Other statewide provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>HAWAII</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>IDAHO</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	None.

<u>ILLINOIS</u>	
Statute(s), regulation(s), and initial effective date(s)	720 ILL. COMP. STAT. ANN. 642/5 (West 2024) (eff. Jan. 1, 2015).
Substantive amendment(s) to statewide law(s)	None.
Is kratom or its related substances controlled?	No.
Defined term(s)	“Kratom” means any parts of the plant <i>Mitragyna speciosa</i> , whether growing or not, and any compound, manufacture, salt, derivative, mixture, or preparation of that plant, including but not limited to mitragynine and 7-hydroxymitragynine.
Limitations on possession, distribution, sale, or manufacture	<ul style="list-style-type: none"> • Individuals under age 18 may not knowingly purchase or possess any product containing any quantity of kratom. • In the furtherance or facilitation of obtaining any product containing kratom, an individual under age 18 may not knowingly display or use a false or forged identification card or transfer, alter, or deface an identification card. • A person may not knowingly sell, buy for, distribute samples of, or furnish any product containing any quantity of kratom to an individual under 18 years of age.
Product label requirements	None.
Penalties for violations	<ul style="list-style-type: none"> • Purchasing or possessing kratom by a minor is a Class B misdemeanor. • Selling, buying for, or distributing kratom to a minor is a Class B misdemeanor for which the offender must be fined no less than \$500.
Other statewide provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>INDIANA</u>	
Statute(s), regulation(s), and initial effective date(s)	<ul style="list-style-type: none"> • IND. CODE ANN. § 35-48-2-4 (West 2024) (Schedule I controlled substance). • IND. CODE ANN. § 35-31.5-2-321 (West 2024) (definition of synthetic drug).
Substantive amendment(s) to statewide law(s)	None.
Is kratom or its related substances controlled?	Yes. Mitragynine and 7-hydroxymitragynine are considered “synthetic drugs.” All synthetic drugs listed in IND. CODE ANN. § 35-31.5-2-321 (West 2024) are Schedule I controlled substances.
Defined term(s)	“Synthetic drug” means a substance containing one or more of the chemical compounds, including an analog of the compound, listed in IND. CODE ANN. § 35-31.5-2-321 (West 2024).
Limitations on possession, distribution, sale, or manufacture	The limitations placed by Indiana law on Schedule I controlled substances.
Product label requirements	None.
Penalties for violations	The penalties placed by Indiana law on Schedule I controlled substances.
Other statewide provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>IOWA</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	None.

<u>KANSAS</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>KENTUCKY</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>LOUISIANA</u>	
Statute(s), regulation(s), and initial effective date(s)	<ul style="list-style-type: none"> • LA. STAT. ANN. § 40:989.3 (West 2024) (eff. May 31, 2012) (unlawful distribution of products containing <i>Mitragyna speciosa</i> to minors). • LA. STAT. ANN. § 14:91.10 (West 2024) (eff. August 1, 2023). (unlawful sale or distribution of “mitragynine speciosa” to persons under age 21). • LA. STAT. ANN. § 1300.61 to 1300.63 (West 2024) (eff. August 1, 2023) (local option for mitragynine speciosa). • S.R. 96, 2023 Leg., Reg. Sess. (La. 2023) (enrolled May 26, 2023).
Substantive amendment(s) to statewide law(s)	Prior to August 1, 2023, LA. STAT. ANN. 40:964 (West 2024) (composition of schedules) included a “trigger law” that would schedule mitragynine and 7-hydroxymitragynine as a controlled substance if the U.S. Drug Enforcement Administration issued a regulation controlling the substances on the federal level.
Is kratom or its related substances controlled?	No.
Defined term(s)	LA. STAT. ANN. § 14:91.10 (West 2024) defines “Mitragynine speciosa” as a product containing either or both of the following: (1) mitragynine; or (2) 7-hydroxymitragynine.
Limitations on possession, distribution, sale, or manufacture	<ul style="list-style-type: none"> • LA. STAT. ANN. § 40:989.3 (West 2024) makes it unlawful for any person to distribute any product containing <i>Mitragyna speciosa</i> to a minor. • LA. STAT. ANN. § 14:91.10 (West 2024) makes it unlawful for any person to sell or distribute or cause to be sold or distributed a product containing “mitragynine speciosa” to any person under the age of 21.
Product label requirements	None.
Penalties for violations	Violations of either LA. STAT. ANN. § 40:989.3 (West 2024) or LA. STAT. ANN. § 14:91.10 (West 2024) results in a fine of \$500 or imprisonment for no more than six months, or both.

<u>LOUISIANA</u>	
Other statewide provisions of note	<ul style="list-style-type: none"> • Notwithstanding any other provision of law to the contrary, a local government may enact an ordinance to prohibit the sale or distribution of “mitragynine speciosa” products or to regulate the sale or distribution of “mitragynine speciosa” products in a manner that is more restrictive than provided for in LA. STAT. ANN. § 14:91.10. • Senate resolution 96 (La. 2023) urges and requests the Louisiana Department of Health to study the acute and long-term adverse health events related to kratom and to report its findings to the legislature prior to the convening of the 2024 regular session of the Legislature.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>MAINE</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	None.

<u>MARYLAND</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>MASSACHUSETTS</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>MICHIGAN</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>MINNESOTA</u>	
Statute(s), regulation(s), and initial effective date(s)	MINN. STAT. ANN. § 152.027 (West 2024).
Substantive amendment(s) to statewide law(s)	August 1, 2018 – Added offenses related to the sale and possession of kratom.
Is kratom or its related substances controlled?	No.
Defined term(s)	None.
Limitations on possession, distribution, sale, or manufacture	<ul style="list-style-type: none"> • It is unlawful for a person to sell any amount of kratom or a substance that contains mitragynine or 7-hydroxymitragynine to a person under the age of 18; or • It is unlawful for a person under the age of 18 to possess any amount of kratom or a substance that contains mitragynine or 7-hydroxymitragynine.
Product label requirements	None.
Penalties for violations	<ul style="list-style-type: none"> • Selling any amount of kratom or a substance that contains mitragynine or 7-hydroxymitragynine to a person under the age of 18 is a gross misdemeanor. • Unlawfully possessing any amount of kratom or a substance that contains mitragynine or 7-hydroxymitragynine is a misdemeanor if the person is under age 18.
Other statewide provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>MISSISSIPPI</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>MISSOURI</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>MONTANA</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>NEBRASKA</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>NEVADA</u>	
Statute(s), regulation(s), and initial effective date(s)	NEV. REV. STAT. ANN. § 597.998 (West 2024) (eff. Oct. 1, 2019).
Substantive amendment(s) to statewide law(s)	None.
Is kratom or its related substances controlled?	No.
Defined term(s)	“Kratom product” means any product or ingredient containing: (1) any part of the leaf of the <i>Mitragyna speciosa</i> plant if the plant contains the alkaloid mitragynine or 7-hydroxymitragynine; or (2) a synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine, regardless of whether the product or ingredient is labeled or sold for human consumption.
Limitations on possession, distribution, sale, or manufacture	<ul style="list-style-type: none"> • A person may not knowingly sell or offer to sell any material, compound, mixture, or preparation containing a kratom product to a child under the age of 18 years. • A person may not knowingly prepare, distribute, advertise, sell, or offer to sell a kratom product that is adulterated with a substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer.
Product label requirements	A person may not sell a kratom product that does not have a label that clearly sets forth the ingredients and directions for the safe and effective use of the kratom product.
Penalties for violations	Civil penalty of no more than \$1,000 for each violation.
Other statewide provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>NEW HAMPSHIRE</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	None.

<u>NEW JERSEY</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>NEW MEXICO</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	None.

<u>NEW YORK</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>NORTH CAROLINA</u>	
Statute(s), regulation(s), and initial effective date(s)	None. ⁹
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

⁹ Multiple online sources suggest that individuals under age 18 may not purchase kratom in North Carolina. This appears to be based on H.B. 747, 2015 Reg. Assemb. (N.C. 2016) which the North Carolina House and Senate passed 14 months apart, albeit in different forms. It does not appear that the legislation became law.

<u>NORTH DAKOTA</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	None.

<u>OHIO</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>OKLAHOMA</u>	
Statute(s), regulation(s), and initial effective date(s)	OKLA. STAT. ANN. tit. 63 §§ 1-1432.1 to 1-1432.5 (West 2024) (eff. Nov. 1, 2021).
Substantive amendment(s) to statewide law(s)	None
Is kratom or its related substances controlled?	No.
Defined term(s)	<ul style="list-style-type: none"> • “Food” means a food, food product, food ingredient, dietary ingredient, dietary supplement, or beverage for human consumption. • “Kratom product” means a food product or ingredient containing any part of the leaf of the plant <i>Mitragyna speciosa</i>. • “Vendor” means a person that sells, prepares, or maintains kratom products or that advertises, represents, or holds itself out as selling, preparing or maintaining kratom products and includes a manufacturer, wholesaler, store, restaurant, hotel, catering facility, camp, bakery, delicatessen, supermarket, grocery store, convenience store, nursing home or food or drink company.
Limitations on possession, distribution, sale, or manufacture	<ul style="list-style-type: none"> • A vendor shall not prepare, distribute, sell, or expose for sale kratom products: <ul style="list-style-type: none"> ○ Adulterated with a non-kratom substance; ○ Contaminated with a dangerous non-kratom substance; ○ Containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than two percent (2%) of the alkaloid composition of the product; ○ Containing any synthetic alkaloid including synthetic mitragynine, synthetic 7-hydroxymitragynine or any other synthetically derived compounds of the kratom plant; or ○ Containing any controlled substance listed in the Uniform Controlled Dangerous Substances Act, unless the product is compounded by a licensed pharmacist with the controlled substance dispensed in accordance with a valid prescription. • A vendor may not distribute, sell or expose for sale a kratom product to an individual under 18 years of age.

<u>OKLAHOMA</u>	
Product label requirements	<ul style="list-style-type: none"> • Vendors that prepare, distribute, sell, or expose for sale a food or product that contains kratom as an ingredient or that is represented to be a kratom product shall disclose on the product label, website, or a quick response (QR) code on the product label linked to a website, the factual basis on which that representation is made. • Vendors may not prepare, distribute, sell, or expose for sale a food or ingredient that contains kratom as an ingredient or that is represented to be a kratom product that does not conform to the disclosure required. • Kratom products must be accompanied by a label, or a quick response (QR) code on the product label linked to a website, bearing the following information: <ul style="list-style-type: none"> ○ A list of the ingredients, which shall include the common or usual name of each ingredient used in the manufacture of the product, listed in descending order of predominance; ○ That the sale or transfer of kratom to a person under 18 years of age is prohibited; ○ The amount of mitragynine and 7-hydroxymitragynine contained in the product; ○ The amount of mitragynine and 7-hydroxymitragynine contained in packaging for the product; ○ The name and the principal street address of the vendor or the person responsible for distributing the product; ○ The suggested use of the product; and ○ Any precautionary statements as to the safety and effectiveness of the product.
Penalties for violations	<p>The owner or manager of a vendor who violates any of the provisions of OKLA. STAT. ANN. tit. 63 § 1-1432.3 (product disclosure by vendor) or OKLA. STAT. ANN. tit. 63 § 1-1432.4 (prohibited products; labeling requirements; distribution to minors) faces an administrative penalty of up to \$500 for a first offense and \$1,000 for a second offense. Upon a third offense, the vendor cannot sell kratom products for a period of three years. If the state department of health (department) receives a complaint of kratom product sales during the period of suspension, the department shall forward the information to the applicable district attorney's office. If the owner or manager of a vendor commits such violation during the three-year period, the person faces a misdemeanor punishable by imprisonment in a county jail for a term of not more than one year, or by a fine of not more than \$2,000, or both.</p>

<u>OKLAHOMA</u>	
Other statewide provisions of note	<ul style="list-style-type: none">• Upon request by the department, the vendor shall provide test results from a United States-based testing facility to confirm the items listed on the product label.• A person aggrieved by a violation of OKLA. STAT. ANN. tit. 63 § 1-1432.3 or § 1-1432.4 may bring a cause of action for damages resulting from that violation including, but not limited to, economic, non-economic, or consequential damages.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>OREGON</u>	
Statute(s), regulation(s), and initial effective date(s)	2022 Oregon Legis. Serv. 41 (West) (eff. June 3, 2022) The provisions of the Act became operative on July 1, 2023. ¹⁰
Substantive amendment(s) to statewide law(s)	None.
Is kratom or its related substances controlled?	No.
Definitions	<ul style="list-style-type: none"> • “Kratom product” means a food, food product, food ingredient, dietary ingredient, dietary supplement, or beverage for human consumption containing any part of the leaf of the plant <i>Mitragyna speciosa</i>. • “Processor” means a person that sells, distributes, or exposes for sale kratom products on a wholesale basis to a retailer. • “Retailer” means a person that sells, distributes, or exposes for sale kratom products to individuals for personal consumption.
Limitations placed on manufacture, distribution, sale, or possession	<ul style="list-style-type: none"> • A processor may not sell, distribute, or expose for sale a kratom product prior to registering with the Oregon Department of Revenue (Department). • A retailer may not sell, distribute, or expose for sale a kratom product to an individual under 21 years of age.
Product label requirements	None.
Penalties for violations	<ul style="list-style-type: none"> • A processor who violates the registration requirement is subject to a civil penalty of not more than \$500 for the first offense and not more than \$1,000 for a second or subsequent offense. • A retailer who sells, distributes, or exposes for sale a kratom product to an individual under 21 years of age is guilty of a Class C misdemeanor for each violation.

¹⁰ As of February 2024, there is no statutory citation for the law. Oregon publishes its Revised Statutes every two years. The most recently published edition contains changes made through some (but not all) 2021 legislative sessions, which predate the enactment date of the kratom law. According to the [Oregon Legislature’s website](#), the 2023 Revised Statutes will be available online “in early 2024.”

<u>OREGON</u>	
Other statewide provisions of note	The Department must adopt rules necessary to carry out the Oregon Kratom Consumer Protection Act (Act), including rules establishing: (1) procedures for a processor to register annually with the Department, including a requirement that a processor certify that all of the kratom products the processor will sell, distribute, or expose for sale are third-party tested to satisfy industry standards for adulteration; (2) a reasonable registration fee to be paid to the Department to support the administration and enforcement of the Act; and (3) any other requirements the Department deems appropriate.
Recently proposed legislation	None.

<u>PENNSYLVANIA</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>RHODE ISLAND</u>	
Statute(s), regulation(s), and initial effective date(s)	Rhode Island Department of Health notice (eff. April 10, 2017). ¹¹
Substantive amendment(s) to statewide law(s)	
Is kratom or its related substances controlled?	Yes. Kratom-related substances added to the list of Schedule I controlled substances.
Defined term(s)	None.
Limitations on possession, distribution, sale, or manufacture	The limitations placed by Rhode Island law on Schedule I controlled substances.
Product label requirements	None.
Penalties for violations	The penalties placed by Rhode Island law on Schedule I controlled substances.
Other statewide provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

¹¹ Rhode Island Dept. of Health, Notice of Designation of Controlled Substance (May 31, 2017), https://docs.wixstatic.com/ugd/9ba5da_9836ace2b9f04a30b55fe480fe3c6ff4.pdf.

<u>SOUTH CAROLINA</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	Yes. See Pending State Legislation .

<u>SOUTH DAKOTA</u>	
Statute(s), regulation(s), and initial effective date(s)	S.D. CODIFIED LAWS § 34-20B-115 (West 2024) (eff. July 1, 2021).
Substantive amendment(s) to statewide law(s)	None.
Is kratom or its related substances controlled?	No.
Defined term(s)	“Kratom” means a substance containing 7-hydroxymitragynine, mitragynine, or mitragynine pseudoindoxyl.
Limitations on possession, distribution, sale, or manufacture	The following actions are unlawful: <ul style="list-style-type: none"> • Knowingly selling or distributing kratom to a person under the age of 21; • Purchasing, attempting to purchase, the receipt or attempt to receive, the possession, or the consumption of kratom by a person under the age of 21; and • Purchasing kratom on behalf of, or to give kratom to, any person under the age of 21, unless the purchaser is a parent or guardian of the person under the age of 21.
Product label requirements	None.
Penalties for violations	Each of the violations is a Class 2 misdemeanor.
Other statewide provisions of note	None.
Recently proposed legislation	None.

<u>TENNESSEE</u>	
Statute(s), regulation(s), and initial effective date(s)	TENN. CODE ANN. § 39-17-452 (West 2024).
Substantive amendment(s) to statewide law(s)	<ul style="list-style-type: none"> • July 1, 2013 – Criminalized synthetic mitragynine and 7-hydroxymitragynine. • July 1, 2018 – Began regulating natural kratom products.
Is kratom or its related substances controlled?	No.
Defined term(s)	“Natural form” means dried, cut, and sifted kratom leaf or raw kratom leaf power.
Limitations on possession, distribution, sale, or manufacture	<ul style="list-style-type: none"> • It is unlawful to knowingly produce, manufacture, distribute, sell, offer for sale, or possess any capsule, pill, or other product composed of or containing any amount of synthetic mitragynine and/or 7-hydroxymitragynine. • It is unlawful for a person to knowingly: <ul style="list-style-type: none"> ○ Sell, or offer for sale, kratom unless labeled and in its natural form; ○ Distribute, sell, or offer for sale, kratom to a person under the age of 21 years; or ○ Purchase or possess kratom if under the age of 21 years.
Product label requirements	Kratom products must be labeled with a label containing the manufacturer's information and a warning that includes, at a minimum, “Warning: Do not use if you are pregnant or nursing. It is illegal to possess Kratom if under 21 years of age. Consult your healthcare professional before using. Do not combine with alcohol or medication. Consult a doctor prior to usage if you have any heart disease, liver disorder, high blood pressure, or medical condition or take medication.”
Penalties for violations	All violations are Class A misdemeanors.
Other statewide provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>TEXAS</u>	
Statute(s), regulation(s), and initial effective date(s)	TEX. HEALTH & SAFETY CODE ANN. § 444.001 to 444.007 (West 2024) (eff. September 1, 2023).
Substantive amendment(s) to statewide law(s)	None.
Is kratom or its related substances controlled?	No.
Defined term(s)	<ul style="list-style-type: none"> • “Kratom” is defined as any part of the leaf of the plant <i>Mitragyna speciosa</i>. • “Kratom processor” is defined as a person who: (1) manufactures, prepares, distributes, or maintains kratom products for sale; (2) advertises, represents, or holds oneself out as a manufacturer, preparer, or seller of kratom products; (3) is responsible for ensuring the purity and proper labeling of kratom products; or (4) packages or labels kratom products. • “Kratom product” is defined as a food, including an extract, capsule, or pill, containing any form of kratom. • “Kratom retailer” is defined as a kratom processor who sells kratom products to consumers or who advertises, represents, or holds oneself out as a person who sells kratom products to consumers.
Limitations on possession, distribution, sale, or manufacture	<ul style="list-style-type: none"> • A kratom processor or kratom retailer may not prepare, distribute, sell, or offer to sell a kratom product that: <ul style="list-style-type: none"> ○ Is adulterated with a dangerous non-kratom substance affecting the quality or strength of the product to a degree that renders the product injurious to a consumer. ○ Is contaminated with a poisonous or otherwise deleterious non-kratom substance, including any substance designated as a controlled substance by Chapter 481 (Texas Controlled Substances Act); ○ Contains a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than two percent of the overall alkaloid composition of the product; or ○ contains any synthetic alkaloids, including synthetic 7-hydroxymitragynine and synthetically derived compounds from a kratom plant. • A person commits an offense if the person distributes, sells, or exposes for sale a kratom product to an individual younger than 18 years of age.

<u>TEXAS</u>	
Product label requirements	A kratom processor is required to label each kratom product with the product use directions necessary to ensure safe use of the product by a consumer, including the recommended serving size for the product. A kratom retailer may only sell a kratom product that is properly labeled.
Penalties for violations	<ul style="list-style-type: none"> • Distributing, selling, or exposing for sale a kratom product to an individual under the age of 18 is a Class C misdemeanor. • A person who violates the Texas Kratom Consumer Health and Safety Protection Act is subject to a civil penalty in the amount of: (1) \$250 for the first violation; (2) \$500 for the second violation; and (3) \$1,000 for each subsequent violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty under this section. A kratom retailer is not liable for a civil penalty for a violation of Section 444.002 (label requirement) or 444.003 (adulterated, contaminated, and prohibited kratom products) if the kratom retailer proves by a preponderance of the evidence that the violation was unintentional and due to the kratom retailer's good faith reliance on the representation of another kratom processor.
Other statewide provisions of note	None.
Recently proposed legislation	None.

<u>UTAH</u>	
Statute(s), regulation(s), and initial effective date(s)	UTAH CODE ANN. §§ 4-45-101 to 4-45-108 (West 2024) (eff. May 14, 2019).
Substantive amendment(s) to statewide law(s)	None.
Is kratom or its related substances controlled?	No.
Defined term(s)	<ul style="list-style-type: none"> • “Food” means: (1) an article used for food or drink for human or animal consumption or the components of the article; (2) chewing gum or chewing gum components; or (3) a food supplement for special dietary use that is necessitated because of a physical, physiological, pathological, or other condition. • “Kratom processor” means a person who: (1) sells, prepares, or maintains a kratom product; or (2) advertises, represents, or holds oneself out as selling, preparing, or maintaining a kratom product. • “Kratom product” means food containing any part of a leaf of the plant <i>Mitragyna speciosa</i>.
Limitations on possession, distribution, sale, or manufacture	<ul style="list-style-type: none"> • A kratom processor may not prepare, distribute, sell, or offer for sale a kratom product: <ul style="list-style-type: none"> ○ That is mixed or packed with a non-kratom substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer; ○ That contains a poisonous or otherwise deleterious non-kratom ingredient, including a controlled substance; ○ Containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 2 percent of the alkaloid composition of the kratom product; ○ Containing a synthetic alkaloid, including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compound of the kratom plant; or ○ That does not include a product label on the kratom product packaging that states the amount of mitragynine and 7-hydroxymitragynine contained in the packaged kratom product.

<u>UTAH</u>	
Limitations on possession, distribution, sale, or manufacture (continued)	<ul style="list-style-type: none"> • A kratom processor may not prepare, distribute, sell, or offer for sale a kratom product that is not registered with the state department of agriculture (department). The department must set a fee to register a kratom product that may be paid by a producer, manufacturer, or distributor of a kratom product, but a kratom product may not be registered with the department until the fee is paid. The department may seize and destroy any unregistered kratom product offered for sale in Utah. • A kratom processor may not distribute, sell, or offer for sale a kratom product to an individual under 18 years of age.
Product label requirements	A kratom processor must disclose on the product label of each kratom product that the kratom processor prepares, distributes, sells, or offers for sale the factual basis upon which the kratom processor represents the food as a kratom product.
Penalties for violations	<ul style="list-style-type: none"> • Violating UTAH CODE ANN. § 4-45-103 (West 2024) regarding the factual basis for which kratom is food, subjects a processor to an administrative fine of up to \$500 for the first offense, and up to \$1,000 for the second or subsequent offense. • Violating UTAH CODE ANN § 4-45-104 (West 2024) regarding kratom processor requirements subjects a processor to a Class C misdemeanor for each violation. A kratom processor does not violate § 4-45-104 if the kratom processor shows by a preponderance of the evidence that the kratom processor relied in good faith upon the representation of a manufacturer, processor, packer, or distributor of food represented to be a kratom product. • Violating UTAH CODE ANN § 4-45-105 (West 2024) regarding the prohibition on sale to minors subjects a kratom process to a Class C misdemeanor for each violation.
Other statewide provisions of note	<ul style="list-style-type: none"> • A kratom processor must register as a food establishment in accordance with UTAH CODE ANN. § 4-5-301 (West 2024). • An individual may bring a civil action for damages resulting from a violation of Utah’s Kratom Consumer Protection Act, including economic, non-economic, or consequential damages.
Recently proposed legislation	None.

<u>VERMONT</u>	
Statute(s), regulation(s), and initial effective date(s)	12-5 VT. CODE R.§ 23:7.0 (West 2024) (eff. Jan. 1, 2016).
Substantive amendment(s) to statewide law(s)	None.
Is kratom or its related substances controlled?	Yes. Vermont regulations list mitragynine and 7-hydroxymitragynine in the state's Regulated Drug Rule. This rule designates drugs and other chemical substances that are illegal or judged to be potentially fatal or harmful for human consumption unless prescribed and dispensed by a professional licensed to prescribe or dispense them and used in accordance with the prescription.
Defined term(s)	None.
Limitations on possession, distribution, sale, or manufacture	The limitations placed by Vermont law on regulated drugs.
Product label requirements	None.
Penalties for violations	The penalties placed by Vermont law on regulated drugs.
Other statewide provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>VIRGINIA</u>	
Statute(s), regulation(s), and initial effective date(s)	VA. CODE ANN. § 59.1-200(77) (West 2024) (eff. July 1, 2023).
Substantive amendment(s) to statewide law(s)	None.
Is kratom or its related substances controlled?	No.
Defined term(s)	“Kratom” means any part of the leaf of the plant <i>Mitragyna speciosa</i> or any extract thereof.
Limitations on possession, distribution, sale, or manufacture	It is unlawful to sell or offer for sale any kratom product to a person younger than 21 years of age.
Product label requirements	Kratom products must include a label listing all ingredients and contain the following guidance: “This product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease.”
Penalties for violations	Selling or offering for sale any kratom product to a person younger than 21 years of age or selling kratom products that are improperly labeled is a violation of the Virginia Consumer Protection Act. An initial violation results in a civil penalty of no more than \$2,500 per violation. A second or subsequent violation results in a civil penalty of not more than \$5,000 per violation.
Other statewide provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>WASHINGTON</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	None.

<u>WEST VIRGINIA</u>	
Statute(s), regulation(s), and initial effective date(s)	W. VA. CODE ANN. § 19-12F-1 through 11 (West 2024) (eff. June 9, 2023).
Substantive amendment(s) to statewide law(s)	None.
Is kratom or its related substances controlled?	No.
Defined term(s)	<ul style="list-style-type: none"> • “Kratom” is defined as a psychoactive preparation that is composed of the crushed or powdered dried leaves of the <i>Mitragyna speciosa</i>, a yellow-flowered tropical tree which contains the alkaloids mitragynine and 7-hydroxymitragynine. • “Kratom Product” is defined as a food product, food ingredient, dietary agreement, dietary supplement, or beverage intended or marketed for human consumption containing any part of the leaf of the plant <i>Mitragyna speciosa</i>. • “Manufacture” is defined as a person or entity which grows kratom for commercial purposes. • “Processor” is defined as a person or entity that processes, distributes, sells, or offers for sale, kratom or kratom products in this state on a wholesale basis to a retailer. • “Retailer” is defined as a person or entity that distributes, offers for sale, or sells kratom or kratom products to persons for personal consumption.
Limitations on possession, distribution, sale, or manufacture	<ul style="list-style-type: none"> • Any person manufacturing, processing, distributing, offering for sale, or selling kratom or kratom products in the state must have a permit issued by the Commissioner of Agriculture (Commissioner) and be otherwise authorized to do business in this state. The commissioner may issue permits for manufacturers, processors, and retailers. • Any website owned, managed, or operated by a person who manufactures, processes, distributes, offers for sale, or sells a product containing kratom or kratom products to persons in this state must employ a neutral age-screening mechanism that verifies that the user is at least 21 years old, including by using an age-gate, age-screen, or other age-verification mechanism approved by the Commissioner.

<u>WEST VIRGINIA</u>	
Limitations on possession, distribution, sale, or manufacture (continued)	<ul style="list-style-type: none"> • Any person or entity distributing, offering to distribute or sell, or selling kratom or kratom products to persons in this state by means other than a direct in-person transaction must employ an age-verification mechanism approved by the Commissioner. • The Commissioner shall propose legislative rules that include, but are not limited to: <ul style="list-style-type: none"> ○ Issuance of permits to persons who wish to manufacture, process, distribute, offer for sale, or sell kratom; ○ Sampling and testing of kratom to determine purity levels; ○ Supervision of the kratom during its manufacture, processing, and sale; ○ Assessment of fees that are commensurate with the costs of the Commissioner’s activities in permitting, testing, and supervising the regulation of kratom and the sale of kratom products; ○ The production, processing, sale, possession, distribution, or transport of kratom products; ○ Developing guidelines or standards related to the display or staging of kratom products to increase the safety of underage patrons in retail environments; ○ Developing prohibitive standards as to child targeted packaging and shapes and forms of products.
Product label requirements	<p>The Commissioner shall propose legislative rules for promulgation that include, but are not limited to, developing standards for the labeling of kratom products to include, at a minimum, a statement which says “KEEP OUT OF REACH OF CHILDREN. CONSULT YOUR PHYSICIAN BEFORE USE IF YOU ARE PREGNANT OR TAKING ANY MEDICATION.”</p>

<u>WEST VIRGINIA</u>	
Penalties for violations	<ul style="list-style-type: none"> • Any kratom product found in violation of W. VA. CODE ANN. § 19-12F-1 through 11 (West 2024) is declared contraband and any property interest in the kratom or kratom is vested in the State of West Virginia and is subject to seizure and forfeiture and destruction. • Any person who manufactures, processes, distributes, sells, or offers for sale any kratom or kratom product in this state without a permit is guilty of a crime. <ul style="list-style-type: none"> ○ A first violation of this subsection is a misdemeanor, and, upon conviction thereof, a person shall be fined not more than \$1,000, confined in jail for not more than one year, or both fined and confined. ○ A second or subsequent violation of this subsection is a felony and, upon conviction thereof, a person shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned. • Any person who manufactures, processes, distributes, sells or offers to sell any kratom or kratom product knowing or having reason to know that the product has been contaminated with a toxic or illegal substance is guilty of a felony, and, upon conviction thereof, shall be fined not more than \$10,000 or imprisoned in a state correctional facility for not less than two nor more than 10 years, or both fined and imprisoned. • Any person who knowingly manufactures, processes, distributes, sells, or offers for sale any kratom or kratom product which has not been approved by the Commissioner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$ 5,000 or confined in jail for not more than one year, or both fined and confined. A second or subsequent violation constitutes a felony and any person convicted thereof, shall be fined not more than \$5,000 or imprisoned for not less than one nor more than five years, or both fined and imprisoned. • Any person who knowingly manufactures, distributes, offers for sale, or sells contaminated kratom or kratom product is guilty of a felony and, upon conviction thereof, shall be fined not less than \$10,000 nor more than \$25,000 or imprisoned for not less than one nor more than five years, or both fined and imprisoned.

<u>WEST VIRGINIA</u>	
Penalties for violations (continued)	<ul style="list-style-type: none"> • Any person who knowingly distributes or sells a kratom or kratom product to a person under the age of 21 is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned. • Any person under the age of 21 who possesses kratom or a kratom product is guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for not more than one year, or both fined and confined. Second and subsequent violations constitute a felony and any person convicted thereof, shall be fined not more than \$5,000 and imprisoned in a state correctional facility for not less than one nor more than three years, or both fined and imprisoned.
Other statewide provisions of note	For the privilege of engaging or continuing within this state in the business of the retail sale of kratom or kratom products, there is hereby levied upon and collected from every person exercising the privilege a privilege tax. The rate of tax imposed by this subsection is 11 percent of the retail sales price of kratom or kratom products sold during the reporting period. Funds from the tax imposed and deposited into the Agricultural Fees Fund are to be divided and deposited as follows: (1) 65 percent is to remain in the Agriculture Fees Fund; (2) five percent is to be transferred to the Fight Substance Abuse Fund; and (3) 30 percent is to be deposited in the Alcohol Beverage Control Enforcement Fund.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>WISCONSIN</u>	
Statute(s), regulation(s), and initial effective date(s)	Wis. STAT. ANN. § 961.14 (West 2024).
Substantive amendment(s) to statewide law(s)	April 25, 2014 – Kratom-related substances added to the list of Schedule I controlled substances.
Is kratom or its related substances controlled?	Yes.
Defined term(s)	None.
Limitations on possession, distribution, sale, or manufacture	The limitations placed by Wisconsin law on Schedule I controlled substances.
Product label requirements	None.
Penalties for violations	The penalties placed by Wisconsin law on Schedule I controlled substances.
Other statewide provisions of note	None.
Recently proposed legislation	Yes. See Pending State Legislation .

<u>WYOMING</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	None.

<u>AMERICAN SAMOA</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	None.

<u>GUAM</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	None.

<u>NORTHERN MARIANA ISLANDS</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	None.

<u>PUERTO RICO</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	None.

<u>U.S. VIRGIN ISLANDS</u>	
Statute(s), regulation(s), and initial effective date(s)	None.
Substantive amendment(s) to statewide law(s)	N/A
Is kratom or its related substances controlled?	N/A
Defined term(s)	N/A
Limitations on possession, distribution, sale, or manufacture	N/A
Product label requirements	N/A
Penalties for violations	N/A
Other statewide provisions of note	N/A
Recently proposed legislation	None.

<u>PENDING STATE LEGISLATION</u>	
State/Bill Number/Status	Description
Federal H.R. 5905, 118th Cong. (1st Sess. 2023); and S. 3039, 118th Cong. (1st Sess. 2023).	This bill establishes the Federal Kratom Consumer Protection Act. The bill requires the Food and Drug Administration (FDA) to hold a hearing and establish a task force on the health and safety of products with kratom. It also prohibits the FDA from regulating kratom products in a manner that is more restrictive as compared to regulations for food, dietary supplements, or dietary ingredients.
<u>California</u> A.B. 2365, 2023-2024 Leg., Reg. Sess. (Cal. 2024) (pending in committee).	This bill would state that it is the intention of the Legislature to enact legislation to regulate kratom.
<u>Colorado</u> S.B. 147, 74th Gen. Assemb., 1st Reg. Sess. (Colo. 2023) (bill died upon legislature's adjournment).	This bill would repeal § 44-1-105 and replace it with the Colorado Kratom Consumer Protection Act. The bill would set forth specific label requirements for kratom products, limit the amount of mitragynine and 7-hydroxymitragynine allowed to be contained in the product, and prohibit the sale of kratom products to persons under the age of 21. Bill also requires each kratom processor register with the state and establishes adverse event reporting requirements.
<u>Connecticut</u> S.B. 920, 2023 Gen. Assemb. Jan. Sess. (Conn. 2023) (bill died upon legislature's adjournment).	This bill would prohibit the sale of kratom products to individuals under 21 years of age.
<u>Connecticut</u> H.B. 5134, 2023 Gen. Assemb., Jan. Sess. (Conn. 2023) (bill died upon legislature's adjournment).	This bill would require the Department of Consumer Protection to study the health effects of kratom and submit a report containing the results of such study and the department's recommendations concerning kratom regulation.

<u>PENDING STATE LEGISLATION</u>	
State/Bill Number/Status	Description
<p><u>Florida</u> S.B. 842, 126th Gen. Assemb., Reg. Sess. (Fla. 2024) (pending in committee).</p>	<p>This bill would create the Florida Kratom Consumer Protection Act, provides that a processor, which is a person who sells, prepares, manufactures, distributes, or maintains kratom products, may not sell, prepare, or distribute a kratom product that: (1) Is adulterated to such a degree that it may injure a consumer; (2) Contains a poisonous or otherwise harmful non-kratom ingredient; (3) Contains a level of 7-hydroxymitragynine in the alkaloid fraction which is greater than one percent of the alkaloid composition of the product; (4) Contains a synthetic alkaloid; (5) Does not include directions for the safe and effective use of the product; or (6) Has a label that contains any claim that the product is intended to diagnose, treat, cure, or prevent any medical condition or disease. The bill establishes that a processor may not sell, prepare, or distribute kratom extract that contains levels of residual solvents higher than the standards set forth in United States Pharmacopeia and the National Formulary. Additionally, a processor may not distribute, sell, or expose for sale a kratom product to an individual under 21 years of age.</p>
<p><u>Florida</u> H.B. 861, 126th Gen. Assemb., Reg. Sess. (Fla. 2024) (pending in committee).</p>	<p>This bill would create the Florida Kratom Consumer Protection Act, provides that a processor, which is a person who sells, prepares, manufactures, distributes, or maintains kratom products, may not sell, prepare, or distribute a kratom product that: (1) does not include directions for the safe and effective use of the product, including, but not limited to, a suggested serving size, on the product’s packaging or label, and (2) has a label that contains any claim that the product is intended to diagnose, treat, cure, or prevent any medical condition or disease. Additionally, a processor may not distribute, sell, or expose for sale a kratom product to an individual under 21 years of age.</p>
<p><u>Georgia</u> H.B. 181, 157th Gen. Assemb., 2023-2024 Reg. Sess. (Ga. 2023) (passed in House; tabled by Senate).</p>	<p>This bill amends GA. CODE ANN. §§ 16-13-120 to 16-13-122. Adds 7-hydroxymitragynine to the definition of “kratom.” Adds definitions for the terms “kratom extract;” “kratom product;” and “processor.” Prohibits the sale or transfer of possession of kratom to an individual under 21 years of age, which is an increase from the current limit of 18 years of age. Prohibits the ingestion of kratom through a heating element or vaporizing mechanism or the selling of such mechanisms. Prohibits the sale of kratom unless behind a counter or in a secured display. Adds additional label and package requirements for kratom products.</p>

<u>PENDING STATE LEGISLATION</u>	
State/Bill Number/Status	Description
<p><u>Hawaii</u> S.B. 3372, 32nd Leg., 2023-2024 Reg. Sess. (Haw. 2024) (pending in committee).</p>	<p>These bills proposed to establish the Hawaii Kratom Consumer Protection Act. Among other things, the Act establishes certain disclosure and labelling requirements for food, products, and dietary supplement containing kratom and prohibits the distribution and sale of kratom products to individuals under the age of 18.</p>
<p><u>Illinois</u> H.B. 2868, 103rd Gen. Assemb., 1st Reg. Sess. (Ill. 2023) (pending in House committee); S.B. 1847, 103rd Gen. Assemb., 1st Reg. Sess. (Ill. 2023) (pending in Senate committee).</p>	<p>This bill creates the Kratom Consumer Protection Act. Establishes safety requirements for the preparation, distribution, sale, and exposure for sale of Kratom products and extracts. Prohibits the preparation, distribution, sale, and exposure for sale of adulterated Kratom products and extracts. Provides that a processor of Kratom products that violates the Act is subject to an administrative penalty of not more than \$5,000 for the first offense and not more than \$10,000 for the second or subsequent offense.</p>
<p><u>Indiana</u> H.B. 1500, 2023 Leg., Reg. Sess. (Ind. 2023) (passed in House; bill died upon legislature's adjournment).</p>	<p>This bill defines "kratom product" as a food product or dietary ingredient that: (1) is derived from the leaf or extract of <i>Mitragyna speciosa</i> and has a level of residual solvent that is not more than permitted by the United States Pharmacopeia; (2) does not contain a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 1% of the overall alkaloid composition of the product; and (3) does not contain any synthetic alkaloids including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetic compound of a kratom plant. Establishes requirements for the manufacture, labeling, and sale of kratom products. Specifies that a kratom product is not a controlled substance.</p>
<p><u>Kansas</u> H.B. 2084, 90th Leg., 2023 Reg. Sess. (Kan. 2023) (bill died upon legislature's adjournment).</p>	<p>This bill would permit the Secretary of Agriculture to implement a fine on processors and retailers that sell, prepare, manufacture, distribute, or advertise kratom products that are adulterated with dangerous non-kratom substances. Prohibits the sale of kratom products to individuals under the age of 18.</p>
<p><u>Kansas</u> H.B. 2188, 90th Leg., 2023 Reg. Sess. (Kan. 2023) (bill died upon legislature's adjournment).</p>	<p>This bill would regulate the sale and distribution of kratom products, requiring the Secretary of Agriculture to adopt rules and regulations and requiring licensure of kratom product dealers. Prohibits the sale of kratom products to individuals under the age of 18.</p>
<p><u>Kentucky</u> H.B. 293, 2024 Gen. Assemb., Reg. Sess. (Ky. 2024) (passed in House; pending in Senate).</p>	<p>This bill would require the Department of Alcoholic Beverage Control to license all kratom processors and retailers. The bill also establishes safety and labeling requirements for kratom products. Prohibits the sale of kratom products to individuals under the age of 21.</p>

<u>PENDING STATE LEGISLATION</u>	
State/Bill Number/Status	Description
<u>Louisiana</u> H.B. 14, 2023 Leg., Reg. Sess. (La. 2023) (bill died upon legislature's adjournment).	This bill would repeal LA. STAT. ANN. § 40:989.3 (distribution of kratom products to a minor) and add mitragynine and 7-hydroxymitragynine to the list of Schedule I controlled substances.
<u>Louisiana</u> H.B. 655, 2023 Leg., Reg. Sess. (La. 2023) (passed in House; died upon legislature's adjournment).	This bill would establish the Kratom Consumer Protection Act. This bill would require any kratom product that is manufactured, distributed, imported, or sold for use in the state to be registered with the Commissioner of the Office of Alcohol and Tobacco Control. Establishes requirements for kratom product labels. Prohibits the sale of kratom products to individuals under the age of 21.
<u>Louisiana</u> H.B. 572, 2023 Leg., Reg. Sess. (La. 2023) (bill died upon legislature's adjournment).	This bill would establish the Kratom Consumer Protection Act. The bill would provide for limitations on preparation, distribution, and sale of kratom products. Requires a processor to register annually any kratom product intended to be offered for sale to an end consumer. Prohibits the sale of kratom products to individuals under the age of 18.
<u>Maryland</u> H.B. 1229, 2024 Leg., Reg. Sess. (Md. 2024) (pending in committee).	This bill requires a retailer that prepares, distributes, sells, or exposes for sale a food that is represented to be a kratom product to disclose the factual basis on which the representation is made. The bill also establishes prohibitions related to the preparation, distribution, and sale of kratom products, including prohibitions related to the sale of kratom to individuals under the age of 21 years and the marketing of kratom to minors.
<u>Massachusetts</u> H.B. 3762, 193rd Leg., Reg. Sess. (Mass. 2023) (pending in committee); and S.D. 2956, 193rd Leg., Reg. Sess. (Mass. 2024) (pending in committee).	This bill establishes a penalty for the sale, preparation, manufacturing, or distribution of kratom products that are contaminated with dangerous non-kratom substances. Prohibits a processor from distributing, selling, or exposing for sale a kratom product to an individual under the age of 21.
<u>Michigan</u> H.B. 4061, 102nd Leg., 2023 Reg. Sess. (Mich. 2023) (died upon legislature's adjournment).	This bill establishes the Kratom Consumer Protection and Regulatory Act. The bill requires individuals who distribute, sell, or manufacture kratom products to hold a license. Establishes labeling requirements for kratom products. Prohibits the sale or distribution of kratom products to individuals under the age of 21.

<u>PENDING STATE LEGISLATION</u>	
State/Bill Number/Status	Description
<u>Minnesota</u> H.F. 1066, 93rd Leg., Reg. Sess. (Minn. 2023) (died upon legislature's adjournment).	This bill proposed to establish the Minnesota Kratom Consumer Protection Act, making it unlawful to manufacture, prepare, distribute, sell, or offer for sale an adulterated or contaminated kratom product or a kratom product that is inadequately labeled.
<u>Mississippi</u> H.B. 1415, 2024 Leg., Reg. Sess. (Miss. 2023) (pending in committee).	This bill would prohibit individuals under the age of 21 from purchasing, receiving, or having in his or her possession any kratom product. Requires retailers that sell, store, or maintain kratom products to post a sign in a conspicuous place at or near each entrance stating that only persons twenty-one years of age or older are permitted to enter the premises.
<u>Mississippi</u> H.B. 1594, 2024 Leg., Reg. Sess. (Miss. 2024) (pending in committee).	This bill would prohibit individuals under the age of 21 from entering the premises of a retailer that sells, stores, or maintains kratom products. Prohibits individuals under the age of 21 from purchasing, receiving, or having in his or her possession any kratom product.
<u>Mississippi</u> H.B. 1437, 2024 Leg., Reg. Sess. (Miss. 2024) (pending in committee).	This bill would establish the Mississippi Kratom Consumer Protection Act. The bill requires the Department of Revenue to issue retail kratom licenses for retailers and wholesale kratom licenses for wholesalers. Prohibits the preparation, distribution, and sale of adulterated or contaminated kratom products and imposes certain label requirements. A processor or retailer would be prohibited from selling a kratom product to an individual under the age of 21.
<u>Mississippi</u> S.B. 2588, 2024 Leg., Reg. Sess. (Miss. 2024) (pending in committee). S.B. 2429, 2024 Leg., Reg. Sess. (Miss. 2024) (pending in committee) is a similar bill.	This bill would establish the Mississippi Kratom Consumer Protection Act. The bill prohibits the preparation, distribution, and sale of adulterated or contaminated kratom products. A processor or retailer would be prohibited from selling a kratom product to an individual under the age of 21. This bill authorizes the Department of Revenue to administer the act.

<u>PENDING STATE LEGISLATION</u>	
State/Bill Number/Status	Description
<p><u>Mississippi</u> S.B. 2589, 2024 Leg., Reg. Sess. (Miss. 2024) (pending in committee); and H.B. 816, 2024 Leg., Reg. Sess. (Miss. 2024) (pending in committee).</p> <p>S.B. 2420, 2024 Leg., Reg. Sess. (Miss. 2024) (pending in committee) is a similar bill.</p>	<p>This bill would establish the Mississippi Kratom Consumer Protection Act. The bill prohibits the preparation, distribution, and sale of adulterated or contaminated kratom products. A processor or retailer would be prohibited from selling a kratom product to an individual under the age of 21. This bill authorizes the Department of Health to administer the act.</p>
<p><u>Mississippi</u> H.B. 1038, 2024 Leg., Reg. Sess. (Miss. 2024) (pending in committee).</p>	<p>This bill proposed to add mitragynine and 7-hydroxymitragynine to the list of Schedule III controlled substances.</p>
<p><u>Mississippi</u> H.B. 1534, 2024 Leg., Reg. Sess. (Miss. 2024) (pending in committee); and S.B. 2885, 2024 Leg., Reg. Sess. (Miss. 2024) (pending in committee).</p>	<p>This bill would establish a screening and approval program for the over-the-counter available and retail sale of products that contain any substance with the potential to be recreationally used or abused, which includes, but is not limited to, kratom.</p>
<p><u>Missouri</u> H.B. 912, 102nd Gen. Assemb., 1st Reg. Sess. (Mo. 2023) (bill died upon legislature's adjournment); S.B. 504, 102nd Gen. Assemb., 1st Reg. Sess. (Mo. 2023) (bill died upon legislature's adjournment).</p>	<p>This bill proposes to establish the Kratom Consumer Protection Act, which would prohibit: (1) the preparation, distribution, and sale of adulterated or contaminated kratom products; and (2) dealers from selling a kratom product to an individual under the age of 18.</p>
<p><u>Montana</u> S.B. 471, 2023 Leg., Reg. Sess. (Mont. 2023) (passed in Senate; died in House committee); H.B. 373, 2023 Leg., Reg. Sess. (Mont. 2023) (bill died upon legislature's adjournment).</p>	<p>This bill would amend MONT. CODE ANN. § 45-5-623 (West 2024) to add that it is unlawful to sell or give to a child a product containing any quantity of kratom or any parts of the plant <i>Mitragyna speciosa</i>, whether growing or not, and any compound, manufacture, salt, derivative, mixture, or preparation of that plant, including but not limited to mitragynine and 7-hydroxymitragynine.</p>

<u>PENDING STATE LEGISLATION</u>	
State/Bill Number/Status	Description
<u>Montana</u> H.B. 437, 2023 Leg. Reg. Sess. (Mont. 2023) (version of bill signed by governor did not include kratom provision).	A version of this bill added mitragynine and 7-hydroxymitragynine to the list of Schedule I controlled substances. This provision was removed from subsequent versions of the bill.
<u>Nebraska</u> L.B. 972, 108th Leg., Reg. Sess. (Neb. 2024) (pending in committee).	This bill would add added mitragynine and 7-hydroxymitragynine to the list of Schedule I controlled substances.
<u>Nevada</u> A. 322, 82nd Leg., Reg. Sess. (Nev. 2023) (vetoed by governor).	This bill would prohibit a person from selling or offering to sell a kratom product to an end user unless the kratom product has been registered with the Division of Public and Behavioral Health (Division) of the Department of Health and Human Services. Required a person who registers a kratom product to pay certain expenses and report certain information relating to the kratom product to the Division. Amends NEV. REV. STAT. ANN. § 597.998 (West 2024) to add additional requirements for kratom product labels.
<u>New Jersey</u> A. 1188, 221st Leg., 2024-2025 Reg. Sess. (N.J. 2024) (pending in committee); and S. 1476, 221st Leg., 2024-2025 Reg. Sess. (N.J. 2024) (pending in committee).	This bill proposes to establish the New Jersey Kratom Consumer Protection Act that prohibits: (1) the preparation, distribution, and sale of adulterated or contaminated kratom products; and (2) the distribution or sale of any kratom product to any individual under 21 years of age.
<u>New Jersey</u> A. 3797, 221st Leg, 2024-2025 Reg. Sess. (N.J. 2023) (pending in committee).	This bill proposes to make it a crime for any person to knowingly or purposely to manufacture, distribute, or dispense, or to possess or have under his or her control with intent to manufacture, distribute, or dispense substances containing kratom. It also makes it a crime for any person, knowingly or purposely, to obtain or to possess a substance containing kratom.
<u>New York</u> S. 8401, 2023-2024 Leg., Reg. Sess. (N.Y. 2024) (pending in committee).	This bill would prohibit the sale of kratom products to individuals under the age of 21. The bill also required the Commissioner of Health to conduct a study on kratom. The study should include, but not be limited to, the potential health risks, benefits, and effects of kratom.

<u>PENDING STATE LEGISLATION</u>	
State/Bill Number/Status	Description
<p><u>New York</u> A. 2983, 2023-2024 Leg., Reg. Sess. (N.Y. 2023) (pending in committee); S. 488, 2023-2024 Leg., Reg. Sess. (N.Y. 2023) (pending in committee).</p>	<p>This bill establishes the New York State Kratom Consumer Protection Act. This bill requires any dealer who prepares, distributes, sells, or exposes for sale a food that is represented to be a kratom product to disclose on the label of such kratom product the factual basis upon which such representation is made. Prohibits the preparation, distribution, and sale of adulterated or contaminated kratom products. Prohibits a dealer from distributing or selling any kratom product to an individual under the age of 18.</p>
<p><u>North Carolina</u> H.B. 563, 2023 Gen. Assemb., Reg. Sess. (N.C. 2023) (bill died upon legislature's adjournment).</p>	<p>This bill requires the Board of Agriculture (Board) to adopt rules for regulating kratom processors to ensure the quality and safety of kratom products sold in the state. The Board must require all kratom processors to register as a processor.</p>
<p><u>Ohio</u> S.B. 103, 135th Gen. Assemb., Reg. Sess. (Ohio 2023) (pending in committee).</p>	<p>This bill requires food processing establishments and retail food establishments to register kratom products with the Director of Agriculture. Prohibits food processing and retail food establishments from processing, manufacturing, selling, or engaging in related activities involving a kratom product unless the product meets specified standards. Requires food processing and retail food establishments to disclose on a kratom product's label the basis on which it is representing a food as a kratom product. Prohibits food processing and retail food establishments from selling or distributing kratom products to individuals under 18.</p>
<p><u>Oklahoma</u> H.B. 3574, 59th Leg., 2nd Sess. (Okla. 2024) (pending in committee); and S.B. 1639, 59th Leg., 2nd Sess. (Okla. 2024) (pending in committee). S.B. 1889, 59th Leg., 2nd Sess. (Okla. 2024) (pending in committee)</p>	<p>This bill would amend OKLA. STAT. ANN. tit. 63 §§ 1-1432.4 (West 2024) to require that a kratom product label contain: (1) clear and adequate directions for the consumption and safe and effective use of such product, including the recommended serving size, the number of servings in the container, the number of servings that can be safely consumed in a day, and the time frame within which safe consumption should occur; (2) any precautionary statements as to the safety and effectiveness of the product, including a warning that a consumer should consult his or her physician on questions about use of kratom, and state that the kratom product is not intended to "diagnose, treat, cure, or prevent any disease"; and (3) a statement that a kratom product label is prohibited from making any therapeutic claims unless approved by the United States Food and Drug Administration.</p>

<u>PENDING STATE LEGISLATION</u>	
State/Bill Number/Status	Description
<u>Pennsylvania</u> S.B. 614, 207th Gen. Assemb., 2023 Sess. (Pa. 2023) (pending in committee).	This bill prohibits the preparation, manufacture, sale, or distribution of unsafe kratom products. Prohibits the sale or distribution of kratom products to individuals younger than the age of 21.
<u>Rhode Island</u> H.B. 7231, 2024 Gen. Assemb., Reg. Sess. (R.I. 2024) (pending in committee).	This bill proposes to establish the Kratom Consumer Protection Act that prohibits: (1) the preparation, distribution, and sale of adulterated or contaminated kratom products; and (2) the sale of kratom products to individuals under the age of 21. Subjects kratom products to sales and use tax. The bill would make it so that the director of health has no authority to place or maintain mitragynine and 7-hydroxymitragynine in Schedule I.
<u>South Carolina</u> H.B. 5043, 125th Gen. Assemb., Reg. Sess. (S.C. 2024) (pending in committee).	This bill establishes the South Carolina Kratom Consumer Protection Act. The act prohibits: (1) the preparation, distribution, and sale of adulterated or contaminated kratom products; and (2) the sale of kratom products to individuals under the age of 21. Establishes labeling requirements for kratom products.
<u>South Carolina</u> H.B. 3742, 125th Gen. Assemb., Reg. Sess. (S.C. 2023) (bill died upon legislature's adjournment).	This bill would add kratom to the list of Schedule IV controlled substances.
<u>Tennessee</u> S.B. 370, 113th Gen. Assemb., 1st Reg. Sess. (Tenn. 2023) (died in committee); H.B. 861, 113th Gen. Assemb., 1st Reg. Sess. (Tenn. 2023) (bill died upon legislature's adjournment).	This bill would amend TENN. CODE ANN. § 39-17-452(a)(3) (West 2024) by deleting the subdivision in its entirety. The bill would create a new section entitled the Tennessee Kratom Consumer Protection Act. The bill would prohibit a processor or retailer from preparing, manufacturing, distributing, or selling an adulterated or contaminated kratom product. Kratom products would be required to list all ingredients on the label. Makes it an offense for a person to knowingly distribute, sell, or offer for sale, a kratom product or kratom extract to a person under the age of 21.

<u>PENDING STATE LEGISLATION</u>	
State/Bill Number/Status	Description
<p><u>Vermont</u> S. 128, 2023 Gen. Assemb., Reg. Sess. (Vt. 2023) (bill died upon legislature’s adjournment); H.B. 425, 2023 Gen. Assemb., Reg. Sess. (Vt. 2023) (bill died upon legislature’s adjournment).</p>	<p>This bill would exempt any parts of the plant <i>Mitragyna speciosa</i>, including mitragynine and 7-hydroxymitragynine from the definition of “regulated drug.” This bill proposed to establish the Kratom Consumer Protection Act that would: (1) prohibit the sale of a kratom product to an individual under the age of 18; and (2) require a kratom product to include on its package or label the amount of mitragynine and 7-hydroxymitragynine contained in the product. Prohibits the sale of any adulterated or contaminated kratom products. Requires processors to annually register any kratom product intended to be offered for sale to a consumer.</p>
<p><u>Virginia</u> H.B. 1521, 2023 Leg., Reg. Sess. (Va. 2023) (bill died in committee).</p>	<p>This bill establishes the Kratom Consumer Protection Act. Prohibits any processor from preparing, distributing, selling, or exposing for sale any kratom product that is adulterated or contaminated. Requires kratom products to include labeling directions necessary for the safe and effective use by consumers, including a recommended serving size. Prohibits the sale of kratom products to individuals under the age of 21.</p>
<p><u>West Virginia</u> S.B. 679, 2024 Leg., Reg. Sess. (W. Va. 2024) (pending in committee).</p>	<p>This bill would require individuals engaged in manufacturing, processing, distribution, or sale of kratom or kratom products in the state to obtain a West Virginia business registration certificate. The bill also allows the Commissioner of Agriculture to impose administrative sanctions against those who violate W. VA. CODE ANN. § 19-12F (West 2024).</p>
<p><u>West Virginia</u> S.B. 59, 2024 Leg., Reg. Sess. (W. Va. 2024) (pending in committee); and H.B. 4084, 2024 Leg., Reg. Sess. (W. Va. 2024) (pending in committee). S.B. 50, 2024 Leg., Reg. Sess. (W. Va. 2024) (passed in Senate; pending in House committee) is a similar bill.</p>	<p>This bill would authorize the West Virginia Tax Department to promulgate a legislative rule relating to a privilege tax on sales of kratom products.</p>

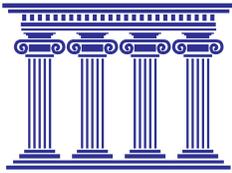
<u>PENDING STATE LEGISLATION</u>	
State/Bill Number/Status	Description
<p><u>West Virginia</u> S.B. 225, 2023 Leg., Reg. Sess. (W. Va. 2023) (died upon legislature's adjournment); H.B. 3106, 2023 Leg., Reg. Sess. (W. Va. 2023) (died upon legislature's adjournment).</p>	<p>This bill proposed to add mitragynine and 7-hydroxymitragynine to the list of Schedule I controlled substances.</p>
<p><u>Wisconsin</u> A.B. 393, 2023-2024 Leg., Reg. Sess. (Wis. 2023) (pending in committee); and S.B. 445, 2023-2024 Leg., Reg. Sess. (Wis. 2023) (pending in committee).</p>	<p>This bill would remove mitragynine and 7-hydroxymitragynine from the list of Schedule I controlled substances. Under the bill, a person who prepares or processes a kratom product (a processor) may not distribute the product if it 1) is mixed or packed with another substance that affects the kratom product's quality or strength to such a degree that it may cause injury; 2) contains a poisonous ingredient, controlled substance, or controlled substance analog; 3) contains a level of 7-hydroxymitragynine that is greater than 1 percent; 4) contains any synthetic alkaloid; or 5) does not include a label that states the amount of mitragynine and 7-hydroxymitragynine contained in the product. The bill also prohibits the sale of a kratom product to any person under the age of 21. Additionally, the bill requires a kratom processor to obtain a food processing plant license from the Department of Agriculture, Trade and Consumer Protection, and to register a kratom product before distributing it.</p>

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