

LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

# KRATOM: SUMMARY OF STATE LAWS

DECEMBER 2022



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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*.<sup>1</sup> Kratom contains two psychoactive compounds, mitragynine and 7-hydroxymitragynine; both of these compounds can bind to  $\mu$ -opioid receptors in the brain and produce a pharmacological response similar to effects produced by other  $\mu$ -opioid agonists, such as morphine.<sup>2</sup> Kratom produces a mild stimulant effect in small doses, opioid-like effects in moderate to high doses, and sedative properties in very high doses.<sup>3</sup> An estimated 11 to 15 million Americans consume kratom products regularly.<sup>4</sup> 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. The results of this research project are presented in this document. Starting on page 8, LAPPA provides jurisdiction-by-jurisdiction tables describing aspects of each law currently in effect as of December 2022, 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;
- Defined terms;
- Limitations on the possession, distribution, sale, or manufacture of kratom products;
- Requirements for kratom product labels;

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<sup>1</sup> 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](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).

<sup>2</sup> 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/>.

<sup>3</sup> 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/>.

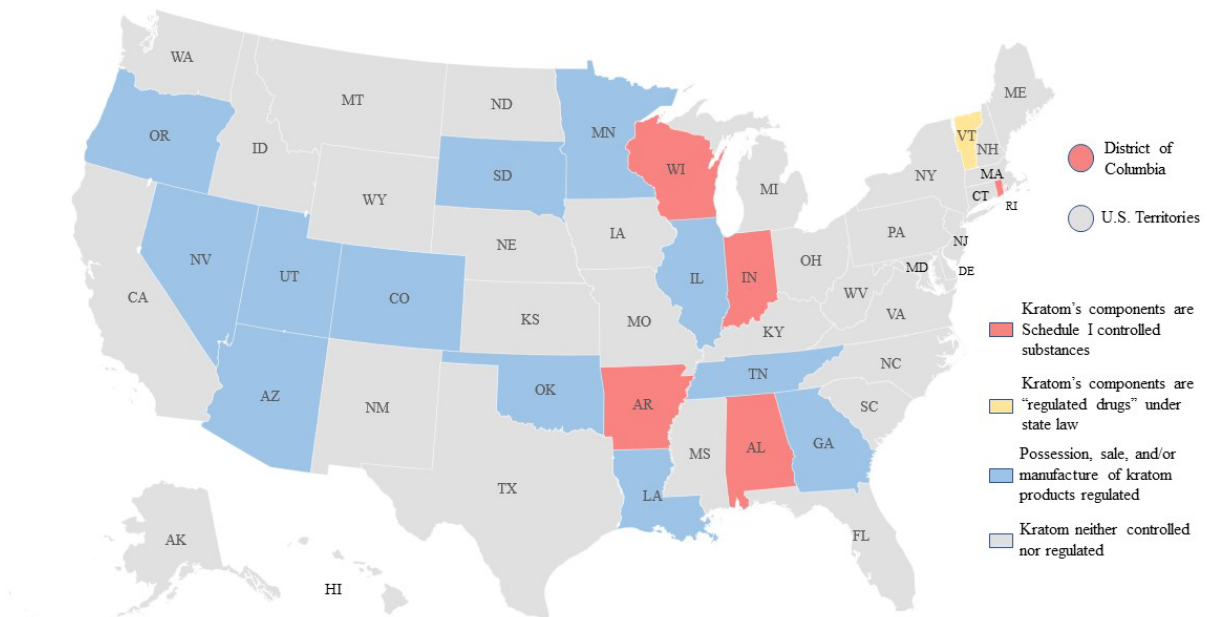
<sup>4</sup> "Policy Brief: What is Kratom?," American Kratom Association, last modified January 2021, [https://assets.website-files.com/61858fcec654303987617512/619ddeac793d144d09fbc28a\\_aka-policy-brief-1---what-is-kratom-jan-2021.pdf](https://assets.website-files.com/61858fcec654303987617512/619ddeac793d144d09fbc28a_aka-policy-brief-1---what-is-kratom-jan-2021.pdf)

- Penalties for violations;
- Other kratom related provisions of note;
- Local regulation(s);<sup>5</sup> and
- Recently proposed, but not yet enacted, legislation.

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.<sup>6</sup>

- As of December 2022, 18 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.<sup>7</sup> In 12 states, the possession, sale, manufacture, etc. of kratom products is regulated. Thirty-two 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



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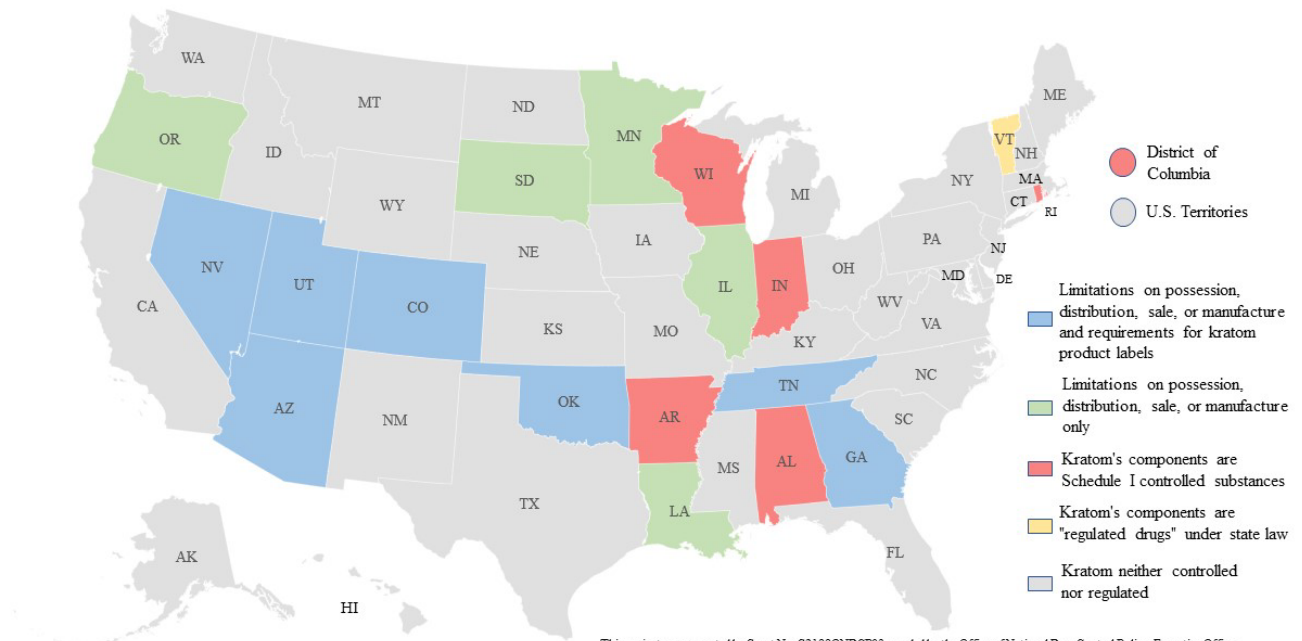
<sup>5</sup> Readers should note that the included local regulation(s) information is not complete as information available via the internet is limited, and it would be cost prohibitive to obtain copies of municipal codes from across the country.

<sup>6</sup> 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](mailto:info@thelappa.org).

<sup>7</sup> In Vermont, kratom's components are "regulated drugs," making them generally illegal except as specifically allowed. VT. STAT. ANN. tit. 18, § 4205 (West 2022). In the remaining jurisdictions, kratom components are Schedule I controlled substances.

- Of the 12 states in which the possession, distribution, sale, or manufacture of kratom products is regulated, seven states (Arizona, Colorado, Georgia, Nevada, Oklahoma, Tennessee, and Utah) also place requirements for kratom product labels. In the other five states (Illinois, Louisiana, Minnesota, Oregon, and South Dakota), there are no product labeling requirements.

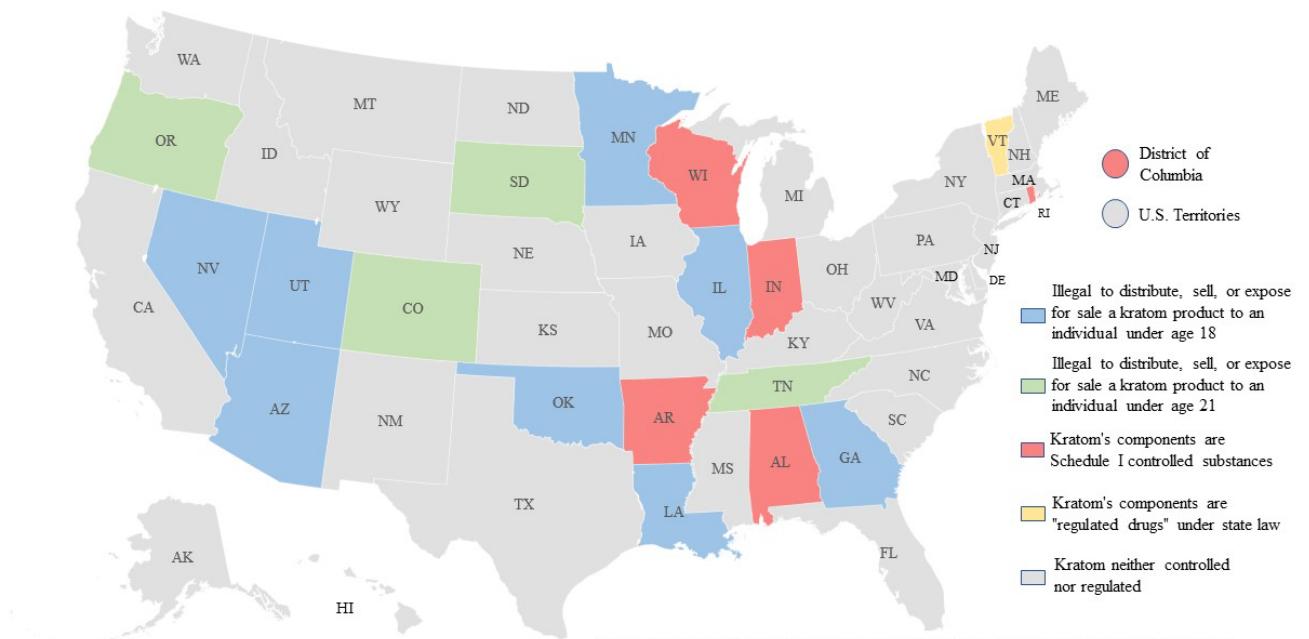
Kratom: Types of Product Regulation



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- In all 12 states where the possession, distribution, sale, or manufacture of kratom products is regulated, the regulation contains age restrictions. In eight states (Arizona, Georgia, Illinois, Louisiana, Minnesota, Nevada, Oklahoma, and Utah), kratom products are restricted to individuals over the age of 18. In the other four states (Colorado, Oregon, South Dakota, and Tennessee), the age restriction is age 21 and older.

Kratom: Age Restrictions on Products

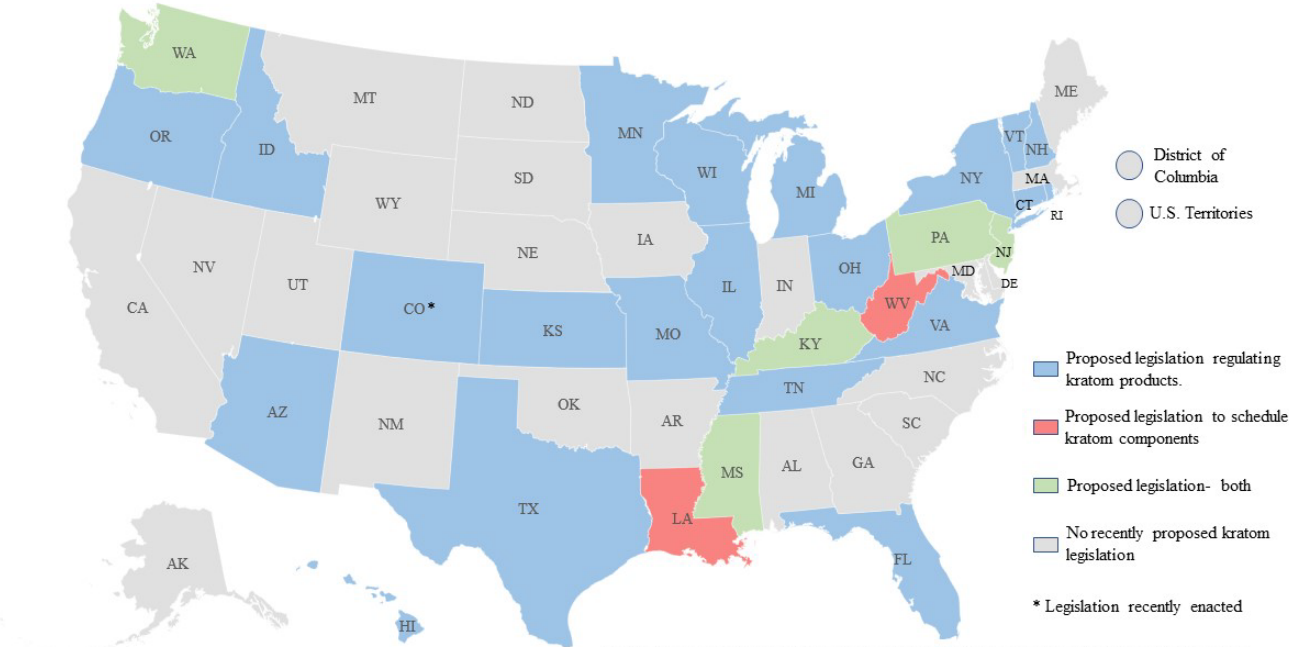


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- During 2021 and 2022, 28 states introduced legislation related to kratom. Of those 28 states, 21 states introduced legislation to regulate the possession, distribution, sale, or manufacture of kratom products in some fashion. Two states (Louisiana and West Virginia) introduced legislation to make kratom’s components Schedule I controlled substances. Five states (Kentucky, Mississippi, New Jersey, Pennsylvania, and Washington) introduced dueling pieces of legislation—that is, state legislators introduced at least one bill to make kratom components Schedule I controlled substances and at least one bill to regulate the possession, distribution, sale, or manufacture of kratom products. The conflictive nature of the proposed legislation underscores the controversies involving kratom and differing perspectives of its use and safety. For more information about the differing perspectives of kratom’s use and safety, see LAPPA’s [kratom factsheet](#). In Colorado, the recently proposed legislation regulating the possession, distribution, sale, or manufacture of kratom products became law. In Missouri, the governor vetoed similar legislation.

Kratom: Proposed 2021 and 2022 Legislation Addressing Components or Products



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<b><u>ALABAMA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	ALA. CODE § 20-2-23 (West 2022) (eff. 1971).
<b>Substantive amendment(s) to statewide law(s)</b>	May 10, 2016 – Kratom-related substances added to the list of Schedule I controlled substances.
<b>Is kratom or its related substances controlled?</b>	Yes. Mitragynine and 7-hydroxymitragynine are Schedule I controlled substances.
<b>Defined term(s)</b>	None.
<b>Limitations on possession, distribution, sale, or manufacture</b>	The limitations placed by Alabama law on Schedule I controlled substances.
<b>Product label requirements</b>	None.
<b>Penalties for violations</b>	The penalties placed by Alabama law on Schedule I controlled substances.
<b>Other statewide provisions of note</b>	None.
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>ALASKA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>ARIZONA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	ARIZ. REV. STAT. ANN. §§ 36-795 to 36-795.03 (West 2022) (eff. Aug. 27, 2019).
<b>Substantive amendment(s) to statewide law(s)</b>	September 2022 <sup>8</sup> – Amendment modifying definitions, contamination of product provisions, and applicability of statute relating to pure food control.
<b>Is kratom or its related substances controlled?</b>	No.
<b>Defined term(s)</b>	<ul style="list-style-type: none"> <li>• Until late September 2022, a “dealer”: (1) is a person that sells, prepares or maintains kratom products or that advertises, represents or holds itself out as selling, preparing or maintaining kratom products; or (2) includes a manufacturer, wholesaler, store, restaurant, hotel, catering facility, camp, bakery, delicatessen, supermarket, grocery store, convenience store, nursing home or food or drink company.</li> <li>• As of September 2022, a “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.”</li> <li>• As of September 2022, a “retailer” is a person that sells or distributes kratom products or that advertises, represents, or holds itself out as selling or maintaining kratom products.</li> <li>• “Kratom product” is a food product or dietary ingredient containing any part of the leaf of the plant <i>Mitragyna speciosa</i>.</li> </ul>
<b>Limitations on possession, distribution, sale, or manufacture</b>	<ul style="list-style-type: none"> <li>• Dealers (or processors/retailers, after September 2022) may not prepare, distribute, sell, or expose for sale any kratom products: <ul style="list-style-type: none"> <li>○ Adulterated with a dangerous non-kratom substance;</li> <li>○ Contaminated with a dangerous non-kratom substance, including any controlled substance;</li> <li>○ 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</li> <li>○ Containing any synthetic alkaloid, including synthetic mitragynine, synthetic 7-hydroxymitragynine or any other synthetically derived compounds of the kratom plant.</li> </ul> </li> </ul>

<sup>8</sup> This is an estimate. Unless specified otherwise, enacted Arizona legislation takes effect 90 days after the state legislature adjourns *sine die*. Currently, the expected date of the legislature’s adjournment is late June 2022.

<b><u>ARIZONA</u></b>	
<b>Limitations on possession, distribution, sale, or manufacture (continued)</b>	<ul style="list-style-type: none"> <li>Dealers (or processors/retailers, after September 2022) may not distribute, sell, or expose for sale a kratom product to an individual under age 18.</li> </ul>
<b>Product label requirements</b>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>
<b>Penalties for violations</b>	<ul style="list-style-type: none"> <li>Violations are class 2 misdemeanors.</li> <li>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.</li> <li>Effective September 2022, violations and enforcement is also governed by Ariz. Rev. Stat §§ 36-901 to 36-980 (West 2022) (statutes governing pure food control).</li> </ul>
<b>Other statewide provisions of note</b>	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.
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	S.B. 1339, 55th Leg., 1st Reg. Sess. (Ariz. 2021) (died prior to enactment); and H.B. 2651, 55th Leg., 1st Reg. Sess. (Ariz. 2021) (died prior to enactment). Among other things, these bills proposed to add a subsection to ARIZ. REV. STAT. ANN. § 36-795.03 (West 2022) that prohibits a state agency from taking any enforcement action, including seizure of product, against a person that sells products containing kratom or its constituent alkaloids when the products are offered for sale as a food or dietary ingredient, unless the U.S. Drug Enforcement Administration classifies kratom to its constituent alkaloids as a Schedule I substance. H.B. 2651 also proposed to add a new section stating that a financial institution may not refuse or terminate service to a retailer because the retailer engages in preparing, distributing, or selling kratom products.

<b><u>ARKANSAS</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	ARK. ADMIN. CODE § 007.07.2 (West 2021) (eff. 1979). <sup>9</sup>
<b>Substantive amendment(s) to statewide law(s)</b>	November 8, 2015 – Kratom-related substances added to the list of Schedule I controlled substances.
<b>Is kratom or its related substances controlled?</b>	Yes. Mitragynine and 7-hydroxymitragynine are Schedule I controlled substances.
<b>Defined term(s)</b>	None.
<b>Limitations on possession, distribution, sale, or manufacture</b>	The limitations placed by Arkansas law on Schedule I controlled substances.
<b>Product label requirements</b>	None.
<b>Penalties for violations</b>	The penalties placed by Arkansas law on Schedule I controlled substances.
<b>Other statewide provisions of note</b>	None.
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<sup>9</sup> The original effective date of the regulation is an estimate.

<b><u>CALIFORNIA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	The cities of Jurupa Valley, <sup>10</sup> Oceanside, <sup>11</sup> and San Diego <sup>12</sup> prohibit the possession, sale, distribution, display for sale, or delivery of kratom.
<b>Recently proposed legislation</b>	None.

<sup>10</sup> Jurupa Valley Municipal Code §§ 11-15-010 to 11-15-080.

<sup>11</sup> Oceanside Code of Ordinances §§ 20-55-1 to 20-55-13.

<sup>12</sup> San Diego Municipal Code §§ 52.3301 to 52.3308.

<b><u>COLORADO</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	<ul style="list-style-type: none"> <li>• COLO. REV. STAT. ANN. § 18-13-132 (West 2022) (eff. Aug. 2022) (furnishing kratom products to underage persons).<sup>13</sup></li> <li>• COLO. REV. STAT. ANN. § 44-1-105 (West 2022) (eff. Aug. 2022) (feasibility report, prohibited acts, and definition).</li> </ul>
<b>Substantive amendment(s) to statewide law(s)</b>	None.
<b>Is kratom or its related substances controlled?</b>	No.
<b>Defined term(s)</b>	“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.
<b>Limitations on possession, distribution, sale, or manufacture</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Effective July 1, 2024, a person may not: <ul style="list-style-type: none"> <li>○ Knowingly prepare, distribute, advertise, sell, or offer to sell a kratom product that is adulterated with fentanyl, or any other controlled substance;</li> <li>○ Knowingly prepare, distribute, advertise, sell, or offer to sell a kratom product to a person under 21 years of age; or</li> <li>○ 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.</li> </ul> </li> </ul>
<b>Product label requirements</b>	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.

<sup>13</sup> The August 2022 dates are estimated. According to the enacting legislation for both statutes, the law takes effect on the day following the expiration of the 90-day period after final adjournment of the general assembly (mid-May 2022), except that if a referendum petition is filed pursuant to the Colorado constitution against all or part of the act, the part subject to the petition will not take effect unless approved by Colorado voters at the general election to be held in November 2022.



<b><u>COLORADO</u></b>	
<b>Penalties for violations</b>	<ul style="list-style-type: none"> <li>• A person who violates COLO. REV. STAT. ANN. § 18-13-132 (West 2022) 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.</li> <li>• As noted below, the executive director of the department of revenue will determine the penalties for all other prohibited actions.</li> </ul>
<b>Other statewide provisions of note</b>	<ul style="list-style-type: none"> <li>• On or before January 4, 2023, the executive director of the Colorado Department of Revenue (Department) must submit to the General Assembly a report analyzing the feasibility of regulating kratom products, kratom processors, and kratom retailers.</li> <li>• The report must identify, consider, and recommend legislative action addressing the following subjects: (1) the appropriate state agency or agencies to oversee kratom regulation; (2) appropriate definitions of terms including “processing,” “selling,” “advertising,” “kratom,” and “kratom products;” (3) appropriate age restrictions; (4) feasibility and enforcement of underage compliance checks; (5) a testing program for identifying kratom products; (6) standards for laboratory accreditation and performance; (7) testing requirements; (8) consideration of types of kratom products to be made available, including tea powders, gummies, beverages, pills, capsules, and extracts; (10) prohibited types of kratom products; (11) serving sizes and related restrictions; (12) labeling requirements, including prohibiting unproven health or medical benefit claims; (13) manufacturing process requirements; (14) adverse health event reporting requirements and products recalls; (15) advertising requirements, limitations, and prohibitions; (16) tax and fee considerations; (17) recordkeeping; (18) traceability; (19) criminal and administrative penalties for violations; (20) an operable timeline for implementation of a regulatory framework for kratom; and (21) fiscal impacts and resource requirements for the state regulation of kratom.</li> </ul>

<b><u>COLORADO</u></b>	
<b>Other statewide provisions of note (continued)</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Nothing in COLO. REV. STAT. ANN. § 18-13-132 (West 2022) 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.</li> </ul>
<b>Local regulation(s)</b>	<ul style="list-style-type: none"> <li>• Effective July 1, 2024, a municipality, county, or city may not enact an ordinance or resolution that establishes a minimum age to purchase kratom products under age 21.</li> <li>• Castle Rock<sup>14</sup> prohibits the sale of kratom to individuals under the age of 18.</li> <li>• Greenwood Village,<sup>15</sup> Monument,<sup>16</sup> and Parker<sup>17</sup> prohibit the sale of kratom.</li> <li>• The Denver Department of Environmental Health, Public Health Inspections Division restricts the sale of kratom for human consumption.<sup>18</sup> Denver retailers selling kratom for non-consumptive use are required to take the following measures:                             <ul style="list-style-type: none"> <li>○ Affix a consumer advisory to each in large font and easily readable to all purchasers, stating: “This product is not intended for human consumption. Consuming kratom products may pose a risk, including death, to consumers and has addictive potential. Increased risk of injury or death may be posed by consuming with alcohol and other drugs.”</li> <li>○ Refrain from providing consumers with guidance for dosage or consumption.</li> </ul> </li> </ul>
<b>Recently proposed legislation</b>	None, other than legislation enacted in 2022.

<sup>14</sup> Castle Rock Municipal Code §§ 9-24-010 to 9-24-030.

<sup>15</sup> Greenwood Village Ordinance § 9-24-130.

<sup>16</sup> Monument Code of Ordinances §§ 8-34-010 to 8-34-030.

<sup>17</sup> Parker Municipal Code § 6.07.010.

<sup>18</sup> *Denver Environmental Health Restricts the Sale or Serving of Kratom for Human Consumption*, DENVER ENV. HEALTH (Nov. 20, 2017), <https://www.denvergov.org/content/dam/denvergov/Portals/771/documents/PHI/11.20.17%20Kratom%20Press%20Release.pdf>.

<b><u>CONNECTICUT</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	<ul style="list-style-type: none"> <li>• H.B. 6333, 2021 Gen. Assemb., Jan. Sess. (Conn. 2021) (bill died upon legislature's adjournment). This bill proposed to: (1) regulate the preparation, distribution, and sale of kratom-based products; (2) prohibit the preparation, distribution, and sale of adulterated or contaminated kratom-based products; (3) prescribe fines and penalties; and (4) provide for the powers and duties of certain state governmental officers and entities regarding kratom-based products.</li> </ul>

<b><u>CONNECTICUT</u></b>	
<b>Recently proposed legislation (continued)</b>	<ul style="list-style-type: none"> <li>• H.B. 6539, 2021 Gen. Assemb., Jan. Sess. (Conn. 2021) (bill died upon legislature’s adjournment). This bill proposed to require the Connecticut Department of Public Health, in collaboration with the Connecticut Department of Consumer Protection, the Connecticut Department of Mental Health and Addiction Services and the Connecticut Division of Criminal Justice (Division) to conduct a study on the use of kratom in Connecticut. Including, but not be limited to: (1) an estimation of (a) the total use of kratom across the population, (b) the number of persons under the age of 21 who are using or have used kratom, and (c) the rate of addiction to or dependency on kratom by persons who use kratom; (2) a description of the method of consumption or use of kratom, including the various ways in which kratom is being inhaled, ingested or injected, the form of such kratom when being consumed or used, and a breakdown by percentage of such consumption or use; (3) an examination and description of any bona fide medicinal or palliative uses for kratom; and (4) the feasibility and estimated efficacy of a prohibition on (a) the sale or possession of kratom on all persons, (b) the sale of kratom to persons under the age of 21, and (c) the possession of kratom by persons under the age of 21. This bill also required the Division, in collaboration with the Connecticut Office of the Chief Public Defender to submit recommendations concerning revisions to the general statutes relating to the civil and criminal penalties for the sale of kratom to persons under the age of 21 or the possession of kratom by persons under the age of 21 that would serve as a deterrent to such sale and possession of kratom.</li> </ul>

<b><u>DELAWARE</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>DISTRICT OF COLUMBIA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	D.C. Mun. Regs. tit. 22-B § 1201 (West 2022) (eff. 1992). <sup>19</sup>
<b>Substantive amendment(s) to statewide law(s)</b>	March 25, 2016 – Kratom-related substance added to the list of Schedule I controlled substances via regulation.
<b>Is kratom or its related substances controlled?</b>	Yes. According to current District of Columbia regulations (but not statute), 7-hydroxymitragynine is a Schedule I controlled substance.
<b>Defined term(s)</b>	None.
<b>Limitations on possession, distribution, sale, or manufacture</b>	The limitations placed by District of Columbia law on Schedule I controlled substances.
<b>Product label requirements</b>	None.
<b>Penalties for violations</b>	The penalties placed by District of Columbia law on Schedule I controlled substances.
<b>Other statewide provisions of note</b>	None.
<b>Local regulation(s)</b>	LAPPA is not aware of any local ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<sup>19</sup> The legal status of kratom in the District of Columbia (D.C.) appears unclear. D.C. 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 2022)), 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 (West 2022)), 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.

<b><u>FLORIDA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	<p>The city of Oviedo requires kratom products contain a label with a complete list of all ingredients and chemical compounds contained therein. Additionally, the packaging must contain the following warning: "This product is not for human consumption. The ingestion of this product may cause paranoia, severe anxiety, hallucinations, suicidal thoughts, combative behavior, nausea, increased heart rate, seizures and possibly death."<sup>20</sup></p> <p>Sarasota County prohibits the possession, display, offer for sale, sale, delivery, or purchase of kratom.<sup>21</sup></p>

<sup>20</sup> Oviedo Code of Ordinances §§ 18-291 to 18-292.

<sup>21</sup> Sarasota County Code of Ordinances §§ 62-345 to 62-353.

<b><u>FLORIDA</u></b>	
<b>Recently proposed legislation</b>	<ul style="list-style-type: none"><li>• H.B. 1071, 2022 Reg. Sess. (Fla. 2021) (died in regulatory reform subcommittee). This bill proposed to prohibit manufacturers from preparing, packaging, distributing, selling, or exposing for sale certain kratom products. Prohibits kratom products from being distributed, sold, or exposed for sale in the state to a person who is younger than 18 years of age.</li><li>• S.B. 1076, 2022 Reg. Sess. (Fla. 2021) (died in appropriations). This bill proposed to establish the Florida Kratom Consumer Protection Act, prohibiting the sale of kratom to individuals under the age of 21. Unlike S.B. 1978 (below), this bill does not require processors to register with the Department of Agricultural and Consumer Services to sell kratom products at retail.</li><li>• S.B. 1978, 2021 Reg. Sess. (Fla. 2021) (died in Commerce and Tourism Committee). This bill proposed to establish the Florida Kratom Consumer Protection Act, prohibiting the sale of kratom to individuals under the age of 21. Additionally, processors would have been required to register with the Department of Agricultural and Consumer Services to sell kratom products at retail.</li><li>• S.B. 1980, 2021 Reg. Sess. (Fla. 2021) (died in Commerce and Tourism Committee). This bill proposed to amend the Florida Kratom Consumer Protection Act, had S.B. 1978 been passed, to require the processor to pay an annual registration fee of \$500 to the Department of Agricultural and Consumer Services.</li></ul>



<b><u>GEORGIA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	GA. CODE ANN. §§ 16-13-120 to 16-13-122 (West 2022) (eff. April 26, 2019).
<b>Substantive amendment(s) to statewide law(s)</b>	None.
<b>Is kratom or its related substances controlled?</b>	No.
<b>Defined term(s)</b>	“Kratom” means the tropical evergreen known as <i>Mitragyna speciosa</i> , which is native to Southeast Asia and contains the alkaloid mitragynine.
<b>Limitations on possession, distribution, sale, or manufacture</b>	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.
<b>Product label requirements</b>	Kratom packaging must be accompanied by a label bearing the following information prior to its sale in Georgia: <ul style="list-style-type: none"> <li>• Clearly labeled ingredients;</li> <li>• That the sale or transfer possession of kratom to another person under 18 years of age is prohibited;</li> <li>• The amount of mitragynine and 7-hydroxymitragynine contained in such product;</li> <li>• The amount of mitragynine and 7-hydroxymitragynine contained in the packaging for such product;</li> <li>• The common or usual name of each ingredient used in the manufacture of such product, listed in descending order of predominance;</li> <li>• The name and the principal mailing address of the manufacturer or the person responsible for distributing such product;</li> <li>• Clear and adequate directions for the consumption and safe and effective use of such product; and</li> <li>• Any precautionary statements as to the safety and effectiveness of such product.</li> </ul>
<b>Penalties for violations</b>	Any person convicted of violating the sale, transfer, or possession provisions, is guilty of a misdemeanor.
<b>Other statewide provisions of note</b>	None.
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>HAWAII</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	H.B. 2356, 31st Leg., 2021-2022 Reg. Sess. (Haw. 2022) (bill died upon legislature's adjournment); and S.B. 3307, 31st Leg., 2021-2022 Reg. Sess. (Haw. 2022) (bill died upon legislature's adjournment). 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.

<b><u>IDAHO</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	H.B. 168, 66 <sup>th</sup> Leg., 1st Reg. Sess. (Idaho 2021) (bill died upon legislature's adjournment). This bill proposed to adopt the Idaho Kratom Consumer Protection Act, which would prohibit a processor from selling a kratom product that is adulterated or contaminated with a prohibited non-kratom substance. The Act does not set an age restriction for kratom.

<b><u>ILLINOIS</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	720 ILL. COMP. STAT. ANN. 642/5 (West 2022) (eff. Jan. 1, 2015).
<b>Substantive amendment(s) to statewide law(s)</b>	None.
<b>Is kratom or its related substances controlled?</b>	No.
<b>Defined term(s)</b>	“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.
<b>Limitations on possession, distribution, sale, or manufacture</b>	<ul style="list-style-type: none"> <li>• Individuals under age 18 may not knowingly purchase or possess any product containing any quantity of kratom.</li> <li>• In the furtherance or facilitation of obtaining any product containing kratom, and individual under age 18 may not knowingly display or use a false or forged identification card or transfer, alter, or deface an identification card.</li> <li>• 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.</li> </ul>
<b>Product label requirements</b>	None.
<b>Penalties for violations</b>	<ul style="list-style-type: none"> <li>• Purchasing or possessing kratom by a minor is a Class B misdemeanor.</li> <li>• 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.</li> </ul>
<b>Other statewide provisions of note</b>	None.
<b>Local regulation(s)</b>	The village of Bartonville <sup>22</sup> and the cities of Edwardsville <sup>23</sup> and Granite City <sup>24</sup> prohibit the possession, sale, offer for sale, or delivery of kratom.

<sup>22</sup> Bartonville Code of Ordinances §§ 38-200 to 28-202.

<sup>23</sup> Edwardsville Code of Ordinances §§ 74-231 to 74-234.

<sup>24</sup> Granite City Municipal Code §§ 9-98-010 to 9-98-030.

<b><u>ILLINOIS</u></b>	
<b>Local regulation(s) (continued)</b>	The city of Naperville prohibits any business from selling, offering for sale, giving away, or delivering kratom products to any individual under the age of 21. The city also prohibits any person under the age of 18 from purchasing, possessing, or using kratom. <sup>25</sup>
<b>Recently proposed legislation</b>	H.B. 4186, 102 <sup>nd</sup> Gen. Assemb., 1st Reg. Sess. (Ill. 2021) (pending in House committee); S.B. 3948 102 <sup>nd</sup> Gen. Assemb., 1st Reg. Sess. (Ill. 2021) (pending in Senate committee). These bills propose to establish the Kratom Consumer Protection Act. Among other things, the Act: (1) establishes safety requirements for the preparation, distribution, sale, and exposure for sale of kratom products and extracts; (2) prohibits the preparation, distribution, sale, and exposure for sale of adulterated kratom products and extracts; and (3) provides that a processor may not distribute, sell, or expose for sale a kratom product to a person under 18 years of age.

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<sup>25</sup> Naperville Ordinance § 3-3-14.

<b><u>INDIANA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	<ul style="list-style-type: none"> <li>• IND. CODE ANN. § 35-48-2-4 (West 2022) (Schedule I controlled substance) (eff. 1976).</li> <li>• IND. CODE ANN. § 35-31.5-2-321 (West 2022) (definition of synthetic drug) (eff. July 2012).</li> </ul>
<b>Substantive amendment(s) to statewide law(s)</b>	None.
<b>Is kratom or its related substances controlled?</b>	Yes. Mitragynine and 7-hydroxymitragynine are considered “synthetic drugs.” All synthetic drugs listed in IND. CODE ANN. § 35-31.5-2-321 (West 2022) are Schedule I controlled substances.
<b>Defined term(s)</b>	“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 2022).
<b>Limitations on possession, distribution, sale, or manufacture</b>	The limitations placed by Indiana law on Schedule I controlled substances.
<b>Product label requirements</b>	None.
<b>Penalties for violations</b>	The penalties placed by Indiana law on Schedule I controlled substances.
<b>Other statewide provisions of note</b>	None.
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>IOWA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>KANSAS</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	H.B. 2056, 89th Leg., 2021 Reg. Sess. (Kan. 2021) (died in conference committee). As introduced and passed by the House, the bill proposed to regulate the sale and distribution of kratom products as part of and supplemental to the Kansas Food, Drug, and Cosmetic Act. Among other things, the bill would: (1) require kratom dealers to apply for an annual kratom dealer license; (2) require the secretary of agriculture to inspect the premises of every licensed kratom dealer and sample, inspect, make analysis of and test kratom products transported, sold, offered for sale, or exposed for sale within the state; and (3) make it unlawful for any kratom dealer to distribute, sell, or otherwise provide any kratom product to an individual under 18 years of age. In 2022, the Kansas Senate substituted the bill entirely for one pertaining to voting.



<b><u>KENTUCKY</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	<ul style="list-style-type: none"> <li>• H.B. 142, 2022 Gen. Assemb., Reg. Sess. (Ky. 2022) (died upon legislature’s adjournment). The bill proposed to amend: (1) KY. REV. STAT. ANN. § 218A.010 (West 2022) to include a definition of “kratom”; (2) KY. REV. STAT. ANN. § 218A.1412 to include kratom to the list of controlled substances that are unlawful to traffic; and (3) KY. REV. STAT. ANN. § 218A.1415 to include kratom in the list of controlled substances that are unlawful for a person to possess.</li> <li>• S.B. 210, 2022 Gen. Assemb., Reg. Sess. (Ky. 2022) (died upon legislature’s adjournment); and H.B. 569, 2022 Gen. Assemb., Reg. Sess. (Ky. 2022) (died upon legislature’s adjournment). The bills proposed to prohibit the manufacture and sale of certain kratom extracts and kratom products to any individual under 21 years of age.</li> </ul>

<b><u>KENTUCKY</u></b>	
<b>Recently proposed legislation</b>	<ul style="list-style-type: none"> <li>• B.R. 983, 2022 Gen. Assemb., Reg. Sess. (Ky. 2021) (pre-filed by the sponsor). This bill (1) amends Ky. Rev. Stat. Ann. § 218A.010 (West 2021) to define “kratom”; (2) amends Ky. Rev. Stat. Ann. § 218A.1412 (West 2021) to include kratom to the list of controlled substances that are unlawful to traffic; and (3) amends Ky. Rev. Stat. Ann. § 218A.1415 (West 2021) to include kratom in the list of controlled substances that are unlawful for a person to possess.</li> <li>• S.B. 241, 2021 Gen. Assemb., Reg. Sess. (Ky. 2021) (died upon legislature’s adjournment). This bill proposed to prohibit the manufacture and sale of adulterated or contaminated kratom products and financial institutions from denying service to kratom producers and retailers. The bill does not establish an age restriction for the sale of kratom products.</li> </ul>

<b><u>LOUISIANA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	LA. STAT. ANN. § 40:989.3 (West 2022) (eff. May 31, 2012)
<b>Substantive amendment(s) to statewide law(s)</b>	None.
<b>Is kratom or its related substances controlled?</b>	No.
<b>Defined term(s)</b>	No.
<b>Limitations on possession, distribution, sale, or manufacture</b>	Unlawful for any person to distribute any product containing <i>Mitragyna speciosa</i> to a minor.
<b>Product label requirements</b>	None.
<b>Penalties for violations</b>	A fine of \$500 or imprisonment for no more than six months, or both.
<b>Other statewide provisions of note</b>	None.
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	H.B. 382, 2022 Leg., Reg. Sess. (La. 2022) (died upon legislature's adjournment). This bill proposed to add mitragynine and 7-hydroxymitragynine to the list of Schedule I controlled substances.

<b><u>MAINE</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>MARYLAND</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>MASSACHUSETTS</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>MICHIGAN</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	H.B. 5477, 101st Leg., 2021 Reg. Sess. (Mich. 2021) (passed House; pending in Senate 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) a dealer from selling a kratom product to an individual under the age of 21.

<b><u>MINNESOTA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	MINN. STAT. ANN. § 152.027 (West 2022) (eff. Aug. 1989).
<b>Substantive amendment(s) to statewide law(s)</b>	August 1, 2018 – Added offenses related to the sale and possession of kratom.
<b>Is kratom or its related substances controlled?</b>	No.
<b>Defined term(s)</b>	None.
<b>Limitations on possession, distribution, sale, or manufacture</b>	<ul style="list-style-type: none"> <li>• 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</li> <li>• 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.</li> </ul>
<b>Product label requirements</b>	None.
<b>Penalties for violations</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>
<b>Other statewide provisions of note</b>	None.
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	H.F. 4815, 2021-2022 Leg., Reg. Sess. (Minn. 2022) (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.



<b><u>MISSISSIPPI</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	The cities of Batesville, <sup>26</sup> Columbus, <sup>27</sup> Corinth, <sup>28</sup> New Albany, <sup>29</sup> and Oxford <sup>30</sup> prohibit the possession, purchase, distribution, sale, or display of kratom.
<b>Recently proposed legislation</b>	<ul style="list-style-type: none"> <li>• S.B. 2403, 2022 Leg., Reg. Sess. (Miss. 2022) (died in committee). This bill proposed to establish the Mississippi Kratom Consumer Protection Act that would prohibit: (1) the preparation, distribution, and sale of adulterated or contaminated kratom products; and (2) a processor or retailer from selling a kratom product to an individual under the age of 21.</li> <li>• H.B. 681, 2022 Leg., Reg. Sess. (Miss. 2022) (passed in House, died in Senate committee). This bill proposed to add mitragynine and 7-hydroxymitragynine to the list of Schedule I controlled substances. H.B. 663, 2022 Leg., Reg. Sess. (Miss. 2022) is a similar bill that died in House committee.</li> </ul>

<sup>26</sup> Batesville Ordinance § 11-96.

<sup>27</sup> Columbus Ordinance § 20-135.

<sup>28</sup> Corinth Ordinance §16-12.

<sup>29</sup> New Albany Ordinance § 14-6.

<sup>30</sup> Oxford Ordinance § 74-13.

<b><u>MISSISSIPPI</u></b>	
<b>Recently proposed legislation (continued)</b>	<ul style="list-style-type: none"><li>• H.C. 45, 2021 Leg., Reg. Sess. (Miss. 2021) (died on calendar); and S.C. 539, 2021 Leg., Reg. Sess. (Miss. 2021) (died in committee). The resolution urged the U.S. Food and Drug Administration to protect American consumers with responsible kratom regulation.</li><li>• S.B. 2370, 2021 Leg., Reg. Sess. (Miss. 2021) (died in committee); and H.B. 611, 2021 Leg., Reg. Sess. (Miss. 2021) (died in committee). These bills proposed to establish the Mississippi Kratom Consumer Protection Act that would prohibit: (1) the preparation, distribution, and sale of adulterated or contaminated kratom products; and (2) a processor or retailer from selling a kratom product to an individual under the age of 21.</li><li>• S.B. 2110, 2021 Leg., Reg. Sess. (Miss. 2021) (died in committee). This bill proposed to add mitragynine and 7-hydroxymitragynine to the list of Schedule I controlled substances.</li></ul>

<b><u>MISSOURI</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	<p>In St. Louis County, any individual wishing to sell any kratom products must first obtain a license issued by the St. Louis Department of Public Health. No seller can sell, distribute, or offer to sell or distribute kratom products without labelling such products with the following information: (1) the name of the product; (2) the quantity of the contents; (3) nutrition labeling; (4) ingredient list; and (5) the name and place of business of the manufacturer, packer, or distributor. A seller shall not distribute, sell, or expose for sale a kratom product to an individual under 21 years of age. A seller shall not prepare, distribute, sell, or expose for sale a kratom product:</p> <ul style="list-style-type: none"> <li>• Adulterated with a dangerous non-kratom substance;</li> <li>• Contaminated with a dangerous non-kratom substance;</li> <li>• Containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than two percent of the alkaloid composition of the product;</li> <li>• Containing any synthetic alkaloids; or</li> <li>• That does not include on its package or label the amount of mitragynine and 7-hydroxymitragynine contained in the product.<sup>31</sup></li> </ul>

<sup>31</sup> St. Louis County Code of Ordinances §§ 613.010 to 613.082.

<b><u>MISSOURI</u></b>	
<b>Local regulation(s) (continued)</b>	The city of St. Joseph prohibits the possession of kratom by individuals under the age of 21. The distribution of kratom to individuals under the age of 21 is also prohibited. <sup>32</sup>
<b>Recently proposed legislation</b>	<ul style="list-style-type: none"> <li>• H.B. 1667, 101<sup>st</sup> Gen. Assemb., 2nd Reg. Sess. (Mo. 2021) (voted by the governor). This bill proposes to establish the Kratom Consumer Protection Act that 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.</li> <li>• S.B. 774, 101<sup>st</sup> Gen. Assemb., 2nd Reg. Sess. (Mo. 2021) (died in committee upon legislature's adjournment); S.B. 690, 101<sup>st</sup> Gen. Assemb., 2nd Reg. Sess. (Mo. 2021) (died in conference upon legislature's adjournment); H.B. 350, 101<sup>st</sup> Gen. Assemb., 1st Reg. Sess. (Mo. 2021) (passed in House; died upon legislature's adjournment); S.B. 283, 101<sup>st</sup> Gen. Assemb., 1st Reg. Sess. (Mo. 2021) (passed in Senate; died upon legislature' adjournment). With respect to kratom, each of these bills contained similar provisions as H.B. 1667, 101<sup>st</sup> Gen. Assemb., 2nd Reg. Sess. (Mo. 2021).</li> </ul>

<sup>32</sup> St. Joseph Ordinances §§ 20-341 to 20-342.

<b><u>MONTANA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>NEBRASKA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>NEVADA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	NEV. REV. STAT. ANN. § 597.998 (West 2022) (eff. Oct. 1, 2019).
<b>Substantive amendment(s) to statewide law(s)</b>	None.
<b>Is kratom or its related substances controlled?</b>	No.
<b>Defined term(s)</b>	“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.
<b>Limitations on possession, distribution, sale, or manufacture</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>
<b>Product label requirements</b>	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.
<b>Penalties for violations</b>	Civil penalty of no more than \$1,000 for each violation.
<b>Other statewide provisions of note</b>	None.
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>NEW HAMPSHIRE</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	H.B. 333, 167 <sup>th</sup> Sess. of Gen. Court (N.H. 2021) (referred for interim study: not recommended for future legislation). This bill proposes to establish the Kratom Consumer Protection Act that 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.



<b><u>NEW JERSEY</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	<ul style="list-style-type: none"> <li>• A. 4071, 220<sup>th</sup> Leg., 2022-2023 Reg. Sess. (N.J. 2022) (pending in Assembly 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.</li> <li>• A. 2642, 220<sup>th</sup> Leg., 2022-2023 Reg. Sess. (N.J. 2022) (pending in Assembly 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.</li> </ul>

<b><u>NEW MEXICO</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>NEW YORK</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	<ul style="list-style-type: none"> <li>• A. 9034, 2021-2022 Leg., Reg. Sess. (N.Y. 2022) (pending in Assembly committee); S.3588, 2021-2022 Leg., Reg. Sess. (N.Y. 2021) (pending in Senate committee). These bills propose to establish the New York State Kratom Consumer Protection Act that 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.</li> <li>• A. 294, 2021-2022 Leg., Reg. Sess. (N.Y. 2021) (pending in Assembly). This bill proposes to prohibit the sale of kratom to individuals under the age of 21. It also requires the commissioner of health to conduct a study on kratom that must include, but not be limited to, the potential health risks, benefits, and effects of kratom and shall review all available data.</li> <li>• S. 2599, 2021-2022 Leg., Reg. Sess. (N.Y. 2021) (pending in Senate committee). This bill is similar to A. 294, other than restricting sales to persons under age 18.</li> </ul>

<b><u>NORTH CAROLINA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None. <sup>33</sup>
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<sup>33</sup> 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.

<b><u>NORTH DAKOTA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>OHIO</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	H.B. 236, 134th Gen. Assemb., Reg. Sess. (Ohio 2021) (passed House; pending in Senate committee). This bill proposes to require the director of agriculture (director) to establish a program to monitor and regulate kratom processing and the sale of kratom products in the state and require any person that wishes to process kratom to apply for an obtain a kratom processing license from the director. The bill further prohibits the preparation, distribution, and sale of adulterated or contaminated kratom products. The bill does not establish an age restriction for the sale of kratom.

<b><u>OKLAHOMA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	OKLA. STAT. ANN. tit. 63 §§ 1-1432.1 to 1-1432.5 (West 2022) (eff. Nov. 1, 2021).
<b>Substantive amendment(s) to statewide law(s)</b>	None
<b>Is kratom or its related substances controlled?</b>	No.
<b>Defined term(s)</b>	<ul style="list-style-type: none"> <li>• “Food” means a food, food product, food ingredient, dietary ingredient, dietary supplement, or beverage for human consumption.</li> <li>• “Kratom product” means a food product or ingredient containing any part of the leaf of the plant <i>Mitragyna speciosa</i>.</li> <li>• “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.</li> </ul>
<b>Limitations on possession, distribution, sale, or manufacture</b>	<ul style="list-style-type: none"> <li>• A vendor shall not prepare, distribute, sell, or expose for sale kratom products: <ul style="list-style-type: none"> <li>○ Adulterated with a non-kratom substance;</li> <li>○ Contaminated with a dangerous non-kratom substance;</li> <li>○ Containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than two percent (2%) of the alkaloid composition of the product;</li> <li>○ Containing any synthetic alkaloid including synthetic mitragynine, synthetic 7-hydroxymitragynine or any other synthetically derived compounds of the kratom plant; or</li> <li>○ 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.</li> </ul> </li> <li>• A vendor may not distribute, sell or expose for sale a kratom product to an individual under 18 years of age.</li> </ul>

<b><u>OKLAHOMA</u></b>	
<b>Product label requirements</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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"> <li>○ 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;</li> <li>○ That the sale or transfer of kratom to a person under 18 years of age is prohibited;</li> <li>○ The amount of mitragynine and 7-hydroxymitragynine contained in the product;</li> <li>○ The amount of mitragynine and 7-hydroxymitragynine contained in packaging for the product;</li> <li>○ The name and the principal street address of the vendor or the person responsible for distributing the product;</li> <li>○ The suggested use of the product; and</li> <li>○ Any precautionary statements as to the safety and effectiveness of the product.</li> </ul> </li> </ul>
<b>Penalties for violations</b>	<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>



<b><u>OKLAHOMA</u></b>	
<b>Other statewide provisions of note</b>	<ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li></ul>
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>OREGON</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	2022 Oregon Legis. Serv. 41 (West) (eff. June 3, 2022) The provisions of the Act become operative on July 1, 2023. <sup>34</sup>
<b>Substantive amendment(s) to statewide law(s)</b>	None.
<b>Is kratom or its related substances controlled?</b>	No.
<b>Definitions</b>	<ul style="list-style-type: none"> <li>• “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>.</li> <li>• “Processor” means a person that sells, distributes, or exposes for sale kratom products on a wholesale basis to a retailer.</li> <li>• “Retailer” means a person that sells, distributes, or exposes for sale kratom products to individuals for personal consumption.</li> </ul>
<b>Limitations placed on manufacture, distribution, sale, or possession</b>	<ul style="list-style-type: none"> <li>• A processor may not sell, distribute, or expose for sale a kratom product prior to registering with the Oregon Department of Revenue (Department).</li> <li>• A retailer may not sell, distribute, or expose for sale a kratom product to an individual under 21 years of age.</li> </ul>
<b>Product label requirements</b>	None.
<b>Penalties for violations</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• A retailer who sells, distributes, or exposes for sale a kratom product to an individual under the 21 years of age is guilty of a Class C misdemeanor for each violation.</li> </ul>
<b>Other statewide provisions of note</b>	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.

<sup>34</sup> As of June 2022, there is no statutory citation for the newly enacted law.

<b><u>OREGON</u></b>	
<b>Local regulation(s)</b>	The city of Hines prohibits the distribution, possession, purchase, sale, and display of kratom. <sup>35</sup>
<b>Recently proposed legislation</b>	H.B. 2646, 81st Leg., Reg. Sess. (Or. 2021) (vetoed by governor). This bill proposed to: (1) prohibit the preparation, distribution, and sale of adulterated or contaminated kratom products; (2) require the state department of agriculture to adopt rules establishing standards for kratom testing and labeling of kratom products; and (3) prohibited the sale of kratom products to individuals under the age of 21.

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<sup>35</sup> Hines Code of Ordinances § 9-07-010 through 030.

<b><u>PENNSYLVANIA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	<ul style="list-style-type: none"> <li>• H.B. 2357, 206th Gen. Assemb., 2022 Sess. (Pa. 2022) (pending in committee). This bill proposes to establish the Kratom Consumer Protection Act that would prohibit: (1) the preparation, distribution, and sale of adulterated or contaminated kratom products; and (2) the sale or distribution of kratom products to individual younger than 18 years of age.</li> <li>• H.B. 2711 - 206th Gen. Assemb., 2022 Sess. (Pa. 2022) (pending in committee). This bill adds mitragynine and 7-hydroxymitragynine to the list of Schedule I controlled substances.</li> </ul>

<b><u>RHODE ISLAND</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	Rhode Island Department of Health notice (eff. April 10, 2017). <sup>36</sup>
<b>Substantive amendment(s) to statewide law(s)</b>	
<b>Is kratom or its related substances controlled?</b>	Yes. Kratom-related substances added to the list of Schedule I controlled substances.
<b>Defined term(s)</b>	None.
<b>Limitations on possession, distribution, sale, or manufacture</b>	The limitations placed by Rhode Island law on Schedule I controlled substances.
<b>Product label requirements</b>	None.
<b>Penalties for violations</b>	The penalties placed by Rhode Island law on Schedule I controlled substances.
<b>Other statewide provisions of note</b>	None.
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	<ul style="list-style-type: none"> <li>• H.B. 7595, 2022 Gen. Assemb., Reg. Sess. (R.I. 2022) (passed House; died in Senate 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 18.</li> <li>• H.B. 5909, 2021 Gen. Assemb., Jan. Sess. (R.I. 2021) (committee recommended indefinite postponement). This bill contained similar provisions as H.B. 7595. In addition, the bill proposed to prohibit financial institutions from refusing or terminating service to a dealer because the dealer engages in the preparation, distribution, or sale of kratom products.</li> </ul>

<sup>36</sup> Rhode Island Dept. of Health, Notice of Designation of Controlled Substance (May 31, 2017), [https://docs.wixstatic.com/ugd/9ba5da\\_9836aee2b9f04a30b55fe480fe3c6ff4.pdf](https://docs.wixstatic.com/ugd/9ba5da_9836aee2b9f04a30b55fe480fe3c6ff4.pdf).

<b><u>SOUTH CAROLINA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>SOUTH DAKOTA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	S.D. CODIFIED LAWS § 34-20B-115 (West 2022) (eff. July 1, 2021).
<b>Substantive amendment(s) to statewide law(s)</b>	None.
<b>Is kratom or its related substances controlled?</b>	No.
<b>Defined term(s)</b>	“Kratom” means a substance containing 7-hydroxymitragynine, mitragynine, or mitragynine pseudoindoxyl.
<b>Limitations on possession, distribution, sale, or manufacture</b>	The following actions are unlawful: <ul style="list-style-type: none"> <li>• Knowingly selling or distributing kratom to a person under the age of 21;</li> <li>• 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</li> <li>• 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.</li> </ul>
<b>Product label requirements</b>	None.
<b>Penalties for violations</b>	Each of the violations is a Class 2 misdemeanor.
<b>Other statewide provisions of note</b>	None.
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>TENNESSEE</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	TENN. CODE ANN. § 39-17-452 (West 2022) (eff. May 5, 2011).
<b>Substantive amendment(s) to statewide law(s)</b>	<ul style="list-style-type: none"> <li>• July 1, 2013 – Criminalized synthetic mitragynine and 7-hydroxymitragynine.</li> <li>• July 1, 2018 – Began regulating natural kratom products.</li> </ul>
<b>Is kratom or its related substances controlled?</b>	No.
<b>Defined term(s)</b>	“Natural form” means dried, cut, and sifted kratom leaf or raw kratom leaf power.
<b>Limitations on possession, distribution, sale, or manufacture</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• It is unlawful for a person to knowingly: <ul style="list-style-type: none"> <li>○ Sell, or offer for sale, kratom unless labeled and in its natural form;</li> <li>○ Distribute, sell, or offer for sale, kratom to a person under the age of 21 years; or</li> <li>○ Purchase or possess kratom if under the age of 21 years.</li> </ul> </li> </ul>
<b>Product label requirements</b>	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.”
<b>Penalties for violations</b>	All violations are Class A misdemeanors.
<b>Other statewide provisions of note</b>	None.
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	S.B. 1390, 112 <sup>th</sup> Gen. Assemb., 1st Leg. Sess. (Tenn. 2021) (died upon legislature’s adjournment); and H.B. 1493, 112 <sup>th</sup> Gen. Assemb., 1st Leg. Sess. (Tenn. 2021) died upon legislature’s adjournment). These bills propose to amend TENN. CODE ANN. § 39-17-452 (West 2022) to add requirements that kratom only be sold by retailers and in packaging of five to seven ounces.



<b><u>TEXAS</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	The cities of Angleton, <sup>37</sup> Baytown, <sup>38</sup> and Manvel <sup>39</sup> prohibit the possession, distribution, purchase, and marketing of kratom.
<b>Recently proposed legislation</b>	<p>H.B. 861, 88<sup>th</sup> Leg., Reg. Sess. (Tex. 2022) (bill filed). This bill establishes the Texas Kratom Consumer Health and Safety Protection Act. This bill sets forth label requirements for kratom products and 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 18.</p> <p>H.B. 1097, 87<sup>th</sup> Leg., Reg. Sess. (Tex. 2021) (passed in House; died upon legislature's adjournment); and S.B. 821, 87<sup>th</sup> Leg., Reg. Sess. (Tex. 2021) (died upon legislature's adjournment). These bills proposed to establish the Texas Kratom Consumer Health and Safety 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 18.</p>

<sup>37</sup> Angleton Code of Ordinances §§ 10-81 to 10-86.

<sup>38</sup> Baytown Code of Ordinances §§ 66-56 to 66-61.

<sup>39</sup> Manvel Code of Ordinances §§ 44-167 to 44-172.

<b><u>UTAH</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	UTAH CODE ANN. §§ 4-45-101 to 4-45-108 (West 2022) (eff. May 14, 2019).
<b>Substantive amendment(s) to statewide law(s)</b>	None.
<b>Is kratom or its related substances controlled?</b>	No.
<b>Defined term(s)</b>	<ul style="list-style-type: none"> <li>• “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.</li> <li>• “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.</li> <li>• “Kratom product” means food containing any part of a leaf of the plant <i>Mitragyna speciosa</i>.</li> </ul>
<b>Limitations on possession, distribution, sale, or manufacture</b>	<ul style="list-style-type: none"> <li>• A kratom processor may not prepare, distribute, sell, or offer for sale a kratom product: <ul style="list-style-type: none"> <li>○ 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;</li> <li>○ That contains a poisonous or otherwise deleterious non-kratom ingredient, including a controlled substance;</li> <li>○ Containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 2 percent of the alkaloid composition of the kratom product;</li> <li>○ Containing a synthetic alkaloid, including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compound of the kratom plant; or</li> <li>○ 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.</li> </ul> </li> </ul>

<b><u>UTAH</u></b>	
<b>Limitations on possession, distribution, sale, or manufacture (continued)</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• A kratom processor may not distribute, sell, or offer for sale a kratom product to an individual under 18 years of age.</li> </ul>
<b>Product label requirements</b>	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.
<b>Penalties for violations</b>	<ul style="list-style-type: none"> <li>• Violating UTAH CODE ANN. § 4-45-103 (West 2022) 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.</li> <li>• Violating UTAH CODE ANN § 4-45-104 (West 2022) 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.</li> <li>• Violating UTAH CODE ANN § 4-45-105 (West 2022) regarding the prohibition on sale to minors subjects a kratom process to a Class C misdemeanor for each violation.</li> </ul>
<b>Other statewide provisions of note</b>	<ul style="list-style-type: none"> <li>• A kratom processor must register as a food establishment in accordance with UTAH CODE ANN. § 4-5-301 (West 2022).</li> <li>• 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.</li> </ul>
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>VERMONT</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	12-5 VT. CODE R.§ 23:7.0 (West 2022) (eff. Jan. 1, 2016).
<b>Substantive amendment(s) to statewide law(s)</b>	None.
<b>Is kratom or its related substances controlled?</b>	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.
<b>Defined term(s)</b>	None.
<b>Limitations on possession, distribution, sale, or manufacture</b>	The limitations placed by Vermont law on regulated drugs.
<b>Product label requirements</b>	None.
<b>Penalties for violations</b>	The penalties placed by Vermont law on regulated drugs.
<b>Other statewide provisions of note</b>	None.
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	H.B. 310, 2021 Gen. Assemb., Reg. Sess. (Vt. 2021) (died upon legislature's adjournment). 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. In addition, the product may not contain any synthetic alkaloids, and the level of 7-hydroxymitragynine cannot be greater than two percent of the alkaloid composition of the product.

<b><u>VIRGINIA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	H.B. 1307, 2022 Leg., Reg. Sess. (Va. 2022) (continued to 2023). This bill proposes to establish the Virginia Kratom Consumer Protection Act that would prohibit: (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.

<b><u>WASHINGTON</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	<ul style="list-style-type: none"> <li>• S.B. 5743, 67<sup>th</sup> Leg., 2022 Reg. Sess. (Wash. 2022) (died upon legislature's adjournment). This bill proposed to add mitragynine and 7-hydroxymitragynine to the list of Schedule I controlled substances.</li> <li>• S.B. 5941, 67<sup>th</sup> Leg., 2022 Reg. Sess. (Wash. 2022) (died upon legislature's adjournment). This bill proposed to establish the Washington Kratom Consumer Protection Act that would prohibit: (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.</li> </ul>

<b><u>WEST VIRGINIA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	S.B. 666, 2022 Leg., Reg. Sess. (W. Va.) (died upon legislature's adjournment). This bill proposed to add mitragynine and 7-hydroxymitragynine to the list of Schedule I controlled substances.

<b><u>WISCONSIN</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	Wis. STAT. ANN. § 961.14 (West 2022) (eff. 1972).
<b>Substantive amendment(s) to statewide law(s)</b>	April 25, 2014 – Kratom-related substances added to the list of Schedule I controlled substances.
<b>Is kratom or its related substances controlled?</b>	Yes.
<b>Defined term(s)</b>	None.
<b>Limitations on possession, distribution, sale, or manufacture</b>	The limitations placed by Wisconsin law on Schedule I controlled substances.
<b>Product label requirements</b>	None.
<b>Penalties for violations</b>	The penalties placed by Wisconsin law on Schedule I controlled substances.
<b>Other statewide provisions of note</b>	None.
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	A.B. 599, 2021 Leg., Reg. Sess. (Wis. 2021) (failed to pass); and S.B. 958, 2021 Leg., Reg. Sess. (Wis. 2021) (failed to pass). These bills proposed to remove mitragynine and 7-hydroxymitragynine from the list of Schedule I controlled substances. Additionally, the bills proposed to: (1) require a 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; (2) prohibit the preparation, distribution, and sale of adulterated or contaminated kratom products; and (3) prohibit the sale of kratom products to individuals under the age of 21.



<b><u>WYOMING</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>AMERICAN SAMOA</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>GUAM</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>NORTHERN MARIANA ISLANDS</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

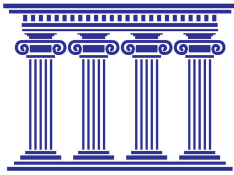
<b><u>PUERTO RICO</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

<b><u>U.S. VIRGIN ISLANDS</u></b>	
<b>Statute(s), regulation(s) and initial effective date(s)</b>	None.
<b>Substantive amendment(s) to statewide law(s)</b>	N/A
<b>Is kratom or its related substances controlled?</b>	N/A
<b>Defined term(s)</b>	N/A
<b>Limitations on possession, distribution, sale, or manufacture</b>	N/A
<b>Product label requirements</b>	N/A
<b>Penalties for violations</b>	N/A
<b>Other statewide provisions of note</b>	N/A
<b>Local regulation(s)</b>	LAPPA is not aware of any local regulations or ordinances addressing kratom.
<b>Recently proposed legislation</b>	None.

## ABOUT THE LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

Based in Washington D.C., and led by and comprised of experienced attorneys, the Legislative Analysis and Public Policy Association is a 501(c)(3) nonprofit organization whose mission is to conduct legal and legislative research and analysis and draft legislation on effective law and policy in the areas of public safety and health, substance use disorders, and the criminal justice system.

LAPPA produces timely model laws and policies that can be used by national, state, and local public health, public safety, and substance use disorder practitioners who want the latest comprehensive information on law and policy as well as up-to-the-minute comparative analyses, publications, educational brochures, and other tools ranging from podcasts to fact sheets. Examples of topics on which LAPPA has assisted stakeholders include naloxone laws, law enforcement/community engagement, alternatives to incarceration for those with substance use disorders, medication-assisted treatment in correctional settings, and the involuntary commitment and guardianship of individuals with alcohol or substance use disorders.



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