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Kratom Amendments
2025 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor:

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3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to kratom products.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ defines terms;

9 ▶ creates a process to review compound kratom products for safety;

10 ▶ establishes a fee for reviewing compound kratom products for safety; and

11 ▶ modifies fines for selling unregistered kratom products.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

18 **4-45-102**, as enacted by Laws of Utah 2019, Chapter 329

19 **4-45-108**, as enacted by Laws of Utah 2019, Chapter 329

20 ENACTS:

21 **4-45-109**, Utah Code Annotated 1953

22 **4-45-110**, Utah Code Annotated 1953

23 **26B-7-417**, Utah Code Annotated 1953

24

25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **4-45-102** is amended to read:

27 **4-45-102 . Definitions.**

28 As used in this chapter:

29 (1) "Commissioner" means the commissioner of the department.

30 (2) "Compound kratom product" means a kratom product that, in addition to containing

31 kratom, contains:

32 (a) a dietary ingredient; or

33 (b) an ingredient that is present in the kratom product for reasons other than to convey a
 34 technical effect, such as a flow agent or binder.

35 [(2)] (3) "Department" means the Department of Agriculture and Food created in Section
 36 4-2-102.

37 [(3)] (4) "Food" means:

38 (a) an article used for food or drink for human or animal consumption or the components
 39 of the article;

40 (b) chewing gum or chewing gum components; or

41 (c) a food supplement for special dietary use that is necessitated because of a physical,
 42 physiological, pathological, or other condition.

43 [(4)] (5) "Kratom processor" means a person who:

44 (a) sells, prepares, or maintains a kratom product; or

45 (b) advertises, represents, or holds oneself out as selling, preparing, or maintaining a
 46 kratom product.

47 [(5)] (6) "Kratom product" [~~mean~~] means food containing any part of a leaf of the plant
 48 Mitragyna speciosa.

49 Section 2. Section **4-45-108** is amended to read:

50 **4-45-108 . Registration of kratom products -- Department duties.**

51 (1) The department shall set a fee to register a kratom product, in accordance with Section
 52 4-2-103.

53 (2) The fee described in Subsection (1) may be paid by a producer, manufacturer, or
 54 distributor of a kratom product, but a kratom product may not be registered with the
 55 department until the fee is paid.

56 (3) The department shall:

57 (a) set an administrative fine[~~, larger than the fee described in Subsection (1),~~] that does
 58 not exceed \$20,000 for a person who sells a kratom product that is not registered with
 59 the department; and

60 (b) assess the fine described in Subsection (3)(a) against any person who offers an
 61 unregistered kratom product for sale in this state or take another administrative action.

62 (4) The department may seize and destroy any unregistered kratom product offered for sale
 63 in this state.

64 Section 3. Section **4-45-109** is enacted to read:

65 **4-45-109 . Compound kratom product.**

- 66 (1) Beginning July 1, 2025, a compound kratom product may not be sold in the state until
67 the compound kratom product has been authorized for sale under Section 4-45-110.
68 (2) Upon a determination by the department that a concern has been identified that requires
69 a review of whether a compound kratom product can be reasonably expected to be safe
70 based on the product's labeled conditions of use, the department may:
71 (a) deregister a compound kratom product registered under Section 4-45-108; or
72 (b) rescind the authorization for sale of a compound kratom product authorized for sale
73 under Section 4-45-110.

74 Section 4. Section **4-45-110** is enacted to read:

75 **4-45-110 . Human consumption safety review for a compound kratom product.**

- 76 (1) In accordance with Section 4-45-109, a kratom processor may submit scientific research
77 regarding a compound kratom product for the department to determine whether the
78 product may be sold in the state.
79 (2)(a) Upon the submission of scientific research for a compound kratom product, the
80 department shall review the research and other scientific literature applicable to the
81 compound kratom product under review.
82 (b) The department shall authorize a compound kratom product for sale in the state only
83 if after the review the department determines the compound kratom product does not
84 present an unreasonable risk of illness or injury based on the compound kratom
85 product's labeled conditions of use.
86 (3)(a) Within 30 days from the day the department issues a decision described in
87 Subsection (2)(b), a kratom processor may appeal the decision of the department
88 under this section in accordance with Section 26B-7-417.
89 (b) If a compound kratom product is determined to not present an unreasonable risk of
90 illness or injury based on the compound kratom product's labeled conditions of use
91 under Section 26B-7-417, the department shall authorize the compound kratom
92 product for sale in the state.
93 (4)(a) The department may enter into a contract with another entity to carry out the
94 department's duties described in this section if the entity is not the Department of
95 Health and Human Services.
96 (b) The department shall set a non-refundable fee in accordance with Section 63J-1-504
97 to recover the department's cost under this section.

98 Section 5. Section **26B-7-417** is enacted to read:

99 **26B-7-417 . Compound kratom review process.**

- 100 (1) The department shall hear an appeal from a kratom processor under Section 4-45-110.
- 101 (2) The department shall review:
- 102 (a) the kratom processor's scientific research submitted to the Department of Agriculture
- 103 and Food regarding a compound kratom product;
- 104 (b) the scientific literature the Department of Agriculture and Food reviewed regarding
- 105 the kratom product; and
- 106 (c) any other scientific literature the department determines relevant.
- 107 (3) After reviewing the materials described in Subsection (2), the department shall
- 108 determine whether the compound kratom product does not present an unreasonable risk
- 109 of illness or injury based on the compound kratom product's labeled conditions of use.
- 110 (4) The department may make rules to implement this section.
- 111 (5) The department shall set a non-refundable fee in accordance with Section 63J-1-504 to
- 112 recover the department's cost under this section.

113 **Section 6. Effective Date.**

114 This bill takes effect on May 7, 2025.