

Jennifer Dailey-Provost proposes the following substitute bill:

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**Kratom Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor:

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**LONG TITLE**

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**General Description:**

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This bill amends provisions related to kratom products.

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**Highlighted Provisions:**

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This bill:

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▸ defines terms;

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▸ creates a process to review compound kratom products for safety;

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▸ establishes a fee for reviewing compound kratom products for safety; and

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▸ modifies fines for selling unregistered kratom products.

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**Money Appropriated in this Bill:**

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None

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**Other Special Clauses:**

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None

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**Utah Code Sections Affected:**

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AMENDS:

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

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

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ENACTS:

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

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

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

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

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

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As used in this chapter:

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

- 29 (2) "Compound kratom product" means a kratom product that, in addition to containing  
30 kratom, contains:
- 31 (a) a dietary ingredient; or  
32 (b) an ingredient that is present in the kratom product for reasons other than to convey a  
33 technical effect, such as a flow agent or binder.
- 34 [(2)] (3) "Department" means the Department of Agriculture and Food created in Section  
35 4-2-102.
- 36 [(3)] (4) "Food" means:
- 37 (a) an article used for food or drink for human or animal consumption or the components  
38 of the article;
- 39 (b) chewing gum or chewing gum components; or  
40 (c) a food supplement for special dietary use that is necessitated because of a physical,  
41 physiological, pathological, or other condition.
- 42 [(4)] (5) "Kratom processor" means a person who:
- 43 (a) sells, prepares, or maintains a kratom product; or  
44 (b) advertises, represents, or holds oneself out as selling, preparing, or maintaining a  
45 kratom product.
- 46 [(5)] (6) "Kratom product" [~~mean~~] means food containing any part of a leaf of the plant  
47 Mitragyna speciosa.
- 48 Section 2. Section **4-45-108** is amended to read:
- 49 **4-45-108 . Registration of kratom products -- Department duties.**
- 50 (1) The department shall set a fee to register a kratom product, in accordance with Section  
51 4-2-103.
- 52 (2) The fee described in Subsection (1) may be paid by a producer, manufacturer, or  
53 distributor of a kratom product, but a kratom product may not be registered with the  
54 department until the fee is paid.
- 55 (3) The department shall:
- 56 (a) set an administrative fine[~~, larger than the fee described in Subsection (1),~~] that does  
57 not exceed \$20,000 for a person who sells a kratom product that is not registered with  
58 the department; and
- 59 (b) assess the fine described in Subsection (3)(a) against any person who offers an  
60 unregistered kratom product for sale in this state or take another administrative action.
- 61 (4) The department may seize and destroy any unregistered kratom product offered for sale  
62 in this state.

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

64 **4-45-109 . Compound kratom product.**

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

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

74 **4-45-110 . Human consumption safety review for a compound kratom product.**

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

97 (5) An appeal of a decision made under this section shall be heard by an administrative law  
98 judge.

99 Section 5. **Effective Date.**

100 This bill takes effect on May 7, 2025.