

Jennifer Dailey-Provost proposes the following substitute bill:

Kratom Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions related to kratom products.

Highlighted Provisions:

This bill:

- defines terms;
- creates a process to review compound kratom products for safety;
- establishes a fee for reviewing compound kratom products for safety; and
- modifies fines for selling unregistered kratom products.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

ENACTS:

4-45-109, Utah Code Annotated 1953

4-45-110, Utah Code Annotated 1953

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

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

4-45-102 . Definitions.

As used in this chapter:

- (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.

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

4-45-109 . Compound kratom product.

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

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

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

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