

SB0045S04 compared with SB0045S01

{Omitted text} shows text that was in SB0045S01 but was omitted in SB0045S04

inserted text shows text that was not in SB0045S01 but was inserted into SB0045S04

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Kratom Adjustments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Michael K. McKell
House Sponsor: Katy Hall

2

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to kratom.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ defines terms;

9 ▶ requires a kratom processor and kratom retailer to register with the Department of

11 Agriculture and Food;

8 ▶ only allows a retail tobacco specialty business to sell kratom;

8 ▶ {prohibits} bans the sale of certain kratom {to an individual under 21 years old} products; {and}

9 ▶ {requires the Controlled Substance Advisory Committee to issue a report on kratom

13 products that are able to be sold in the state.}

14 ▶ amends provisions related to penalties and fees;

15 ▶ amends the age for who can purchase a kratom product;

15 ▶ schedules 7-hydroxymitragynine, including synthetics, if the 7-hydroxymitragynine

concentration exceeds a certain percentage as a schedule I controlled substance; and

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[~~(a) an article used for food or drink for human or animal consumption or the components of the article;~~]

48 [~~(b) chewing gum or chewing gum components; or~~]

49 [~~(c) a food supplement for special dietary use that is necessitated because of a physical, physiological, pathological, or other condition.~~]

51 (1) "Kratom extract" means a preparation containing any part of the *Mitragyna speciosa* plant in a concentrated form.

53 [~~(4)~~] (2) "Kratom processor" means a person who[:]

54 [~~(a) sells, prepares, or maintains-~~] prepares, processes, manufactures, or distributes a kratom product[: or] .

56 [~~(b) advertises, represents, or holds oneself out as selling, preparing, or maintaining a kratom product.~~]

58 [~~(5)~~] (3) "Kratom product" [mean food] means a product containing any part of a leaf of the plant *Mitragyna speciosa*.

60 (4) "Kratom retailer" means a person who sells a kratom product for retail sale in the state.

61 (5) "Pure leaf kratom" means a kratom product that:

62 (a) is identifiable as plant matter or is identifiable plant matter contained in an encapsulating agent described in Subsection (5)(b);

64 (b) is not mixed or packed with a nonkratom substance unless the nonkratom substance is an inert encapsulating agent that:

66 (i) is composed of food-grade or pharmaceutical-grade materials with no pharmacological activity;

68 (ii) contains no psychoactive substances, stimulants, or adulterants; and

69 (iii) serves solely to contain or deliver the plant matter;

70 (c) does not contain any kratom extract; and

71 (d) does not contain 7-hydroxymitragynine at a level greater than 0.4% of the total kratom alkaloid composition of the product.

73 (6) "Total kratom alkaloid composition" means the total amount of all alkaloids derived from the *Mitragyna speciosa* plant.

75 **Section 2. Section 4-45-103 is amended to read:**

76 **4-45-103. Factual basis for claim as kratom product required -- Administrative penalty --**
Request for hearing.

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(1) A kratom processor shall 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]~~ product as a kratom product.

81 (2) For a violation of Subsection (1), a kratom processor is subject to an administrative fine ~~[of:]~~ up to \$5,000.

83 ~~[(a) up to \$500 for the first offense; and]~~

84 ~~[(b) up to \$1,000 for a second or subsequent offense.]~~

85 (3) Upon the request of a kratom processor fined under this section, the commissioner shall conduct a hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

88 Section 3. Section 4-45-104 is amended to read:

89 **4-45-104. Kratom processor and kratom retailer requirements -- Criminal penalty.**

91 (1) A kratom processor or kratom retailer may not prepare, possess, distribute, sell, or offer for sale a kratom product that:

93 (a) ~~[that is mixed or packed with a nonkratom 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;]~~ is not pure leaf kratom; and

96 ~~[(b) that contains a poisonous or otherwise deleterious nonkratom ingredient, including a controlled substance as defined in Section 58-37-2;]~~

98 ~~[(c) containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 2% of the alkaloid composition of the kratom product;]~~

100 ~~[(d) containing a synthetic alkaloid, including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compound of the kratom plant; or]~~

103 ~~[(e)]~~ (b) ~~[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.

106 (2) A kratom processor or kratom retailer who violates Subsection (1) is guilty of:

107 (a) a class ~~[C]~~ B misdemeanor for ~~[each violation.]~~ the first violation;

108 (b) a class A misdemeanor for a second violation; and

109 (c) a third degree felony for any subsequent violation.

110 ~~[(3) A kratom processor does not violate Subsection (1) 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.]~~

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- 114 [(4)] (3) A kratom processor or kratom retailer may not prepare, distribute, sell, or offer for sale a
kratom product that is not registered with the department in accordance with this chapter.
- 117 [(5)] (4)
- (a) A kratom processor shall register as a food establishment in accordance with Section 4-5-301 and
with the department as a kratom processor.
- 119 (b) A kratom retailer shall register with the department as a kratom retailer.
- 120 (c) The department may not register a person as a kratom retailer unless the kratom retailer is licensed
as a retail tobacco specialty business under Sections 10-8-41.6 and 17-78-1004.
- 123 (d) The department shall set a fee to register the following:
- 124 (i) a kratom processor; and
- 125 (ii) a kratom retailer.
- 126 (e) The department shall:
- 127 (i) set an administrative fine not to exceed \$5,000 for a person who sells a kratom product if the person
is not registered as a kratom processor or kratom retailer with the department; and
- 130 (ii) assess the fine described in Subsection (4)(e)(i) against any person who offers a kratom product for
sale in this state if the person is not registered as a kratom processor or kratom retailer.
- 133 (5) Notwithstanding Subsection (1)(a), until March 6, 2027, a kratom processor may prepare, possess,
distribute, sell, or offer for sale a kratom product that is not a pure leaf kratom product if the kratom
product:
- 136 (a) is not offered for retail sale or distribution in this state;
- 137 (b) is manufactured and distributed for lawful sale in another state; and
- 138 (c) does not contain 7-hydroxymitragynine at a level greater than 0.4% of the total kratom alkaloid
composition of the product.

140 Section 4. Section **4-45-105** is amended to read:

141 **4-45-105. Prohibition on sale to minors -- Criminal penalty.**

- 24 (1) A kratom processor or kratom retailer may not distribute, sell, or offer for sale a kratom product to
an individual under [18] 21 years [of age] old.
- 26 (2) A kratom processor or kratom retailer who violates this section is guilty of a class [E] A
misdemeanor for each violation.

146 Section 5. Section **4-45-108** is amended to read:

147 **4-45-108. Registration of kratom products -- Department duties.**

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- 148 (1) The department shall set a fee to register a kratom product, in accordance with Section 4-2-103.
- 150 (2) The fee described in Subsection (1) may be paid by [~~a producer, manufacturer, or distributor of a~~
~~kratom product~~] any person, but a kratom product may not be registered with the department until
the fee is paid.
- 153 (3) The department shall:
- 154 (a) set an administrative fine[~~, larger than the fee described in Subsection (1),~~] not to exceed \$5,000
for a person who sells a kratom product that is not registered with the department; and
- 157 (b) assess the fine described in Subsection (3)(a) against any person who offers an unregistered kratom
product for sale in this state.
- 159 (4) The department may seize and destroy any unregistered kratom product offered for sale in this state.

161 Section 6. Section 6 is enacted to read:

162 **58-37-3.4. Exemption for 7-hydroxymitragynine in pure leaf kratom.**

- 163 (1) As used in this section, "pure leaf kratom" means the same as that term is defined in Section
4-45-102.
- 165 (2) Notwithstanding any other provision of this chapter a person who possesses, manufacturers, or
distributes pure leaf kratom is not subject to the penalties described in this title for the possession,
manufacture, or distribution of 7-hydroxymitragynine to the extent that the person's possession,
manufacture, or distribution of the pure leaf kratom complies with Title 4, Chapter 45, Kratom
Regulation Act.
- 170 (3) Notwithstanding any other provision of this chapter and until March 6, 2027, a person who
possesses, manufacturers, or distributes a kratom product in accordance with Subsection
4-45-104(5) is not subject to the penalties described in this title for the possession, manufacture, or
distribution of 7-hydroxymitragine.

174 **Section 7. Section 58-37-4 is amended to read:**

175 **58-37-4. Schedules of controlled substances -- Schedules I through V -- Findings required --**
Specific substances included in schedules.

- 177 (1) There are established five schedules of controlled substances known as Schedules I, II, III, IV, and
V which consist of substances listed in this section.
- 179 (2) Schedules I, II, III, IV, and V consist of the following drugs or other substances by the official
name, common or usual name, chemical name, or brand name designated:
- 181 (a) Schedule I:

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- 182 (i) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, when the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation:
- 186 (A) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- 188 (B) Acetyl fentanyl: (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
- 189 (C) Acetylmethadol;
- 190 (D) Acryl fentanyl (N-(1-Phenethylpiperidin-4-yl)-N-phenylacrylamide);
- 191 (E) Allylprodine;
- 192 (F) Alphacetylmethadol, except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;
- 194 (G) Alphameprodine;
- 195 (H) Alphamethadol;
- 196 (I) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- 198 (J) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);
- 200 (K) Benzylpiperazine;
- 201 (L) Benzethidine;
- 202 (M) Betacetylmethadol;
- 203 (N) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4- piperidinyl]-N-phenylpropanamide);
- 205 (O) Beta-hydroxy-3-methylfentanyl, other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;
- 207 (P) Betameprodine;
- 208 (Q) Betamethadol;
- 209 (R) Betaprodine;
- 210 (S) Butyryl fentanyl (N-(1-(2-phenylethyl)-4-piperidinyl)-N-phenylbutyramide);
- 211 (T) Clonitazene;
- 212 (U) Cyclopropyl fentanyl (N-(1-Phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
- 214 (V) Dextromoramide;
- 215 (W) Diampromide;
- 216 (X) Diethylthiambutene;

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- 217 (Y) Difenoxin;
- 218 (Z) Dimenoxadol;
- 219 (AA) Dimepheptanol;
- 220 (BB) Dimethylthiambutene;
- 221 (CC) Dioxaphetyl butyrate;
- 222 (DD) Dipipanone;
- 223 (EE) Ethylmethylthiambutene;
- 224 (FF) Etizolam (1-Methyl-6-o-chlorophenyl-8-ethyl-4H-s-triazolo[3,4-c]thieno[2,3-e]1,4-diazepine);
- 226 (GG) Etonitazene;
- 227 (HH) Etoxeridine;
- 228 (II) Furanyl fentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl] furan-2-carboxamide);
- 230 (JJ) Furethidine;
- 231 (KK) Hydroxypethidine;
- 232 (LL) Ketobemidone;
- 233 (MM) Levomoramide;
- 234 (NN) Levophenacymorphan;
- 235 (OO) Methoxyacetyl fentanyl (2-Methoxy-N-(1-phenylethylpiperidinyl-4-yl)-N-acetamide);
- 237 (PP) Morpheridine;
- 238 (QQ) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 239 (RR) Noracymethadol;
- 240 (SS) Norlevorphanol;
- 241 (TT) Normethadone;
- 242 (UU) Norpipanone;
- 243 (VV) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl] propanamide);
- 245 (WW) Para-fluoroisobutyryl fentanyl (N-(4-Fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
- 247 (XX) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 248 (YY) Phenadoxone;
- 249 (ZZ) Phenampromide;
- 250 (AAA) Phenibut;
- 251 (BBB) Phenomorphan;

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- 252 (CCC) Phenoperidine;
- 253 (DDD) Piritramide;
- 254 (EEE) Proheptazine;
- 255 (FFF) Properidine;
- 256 (GGG) Propiram;
- 257 (HHH) Racemoramide;
- 258 (III) Tetrahydrofuran fentanyl (N-(1-Phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);
- 260 (JJJ) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;
- 261 (KKK) Tianeptine;
- 262 (LLL) Tilidine;
- 263 (MMM) Trimeperidine;
- 264 (NNN) 3-methylfentanyl, including the optical and geometric isomers (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]- N-phenylpropanamide);
- 266 (OOO) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- 268 (PPP) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide also known as U-47700; and
- 270 (QQQ) 4-cyano CUMYL-BUTINACA.
- 271 (ii) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:
- 275 (A) Acetorphine;
- 276 (B) Acetyldihydrocodeine;
- 277 (C) Benzylmorphine;
- 278 (D) Codeine methylbromide;
- 279 (E) Codeine-N-Oxide;
- 280 (F) Cyprenorphine;
- 281 (G) Desomorphine;
- 282 (H) Dihydromorphine;
- 283 (I) Drotebanol;
- 284 (J) Etorphine (except hydrochloride salt);
- 285 (K) Heroin;

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- 286 (L) Hydromorphenol;
287 (M) Methylidesorphine;
288 (N) Methylhydromorphine;
289 (O) Morphine methylbromide;
290 (P) Morphine methylsulfonate;
291 (Q) Morphine-N-Oxide;
292 (R) Myrophine;
293 (S) Nicocodeine;
294 (T) Nicomorphine;
295 (U) Normorphine;
296 (V) Pholcodine; and
297 (W) Thebacon.
- 298 (iii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of their salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation; as used in this Subsection (2) (a)(iii) only, "isomer" includes the optical, position, and geometric isomers:
- 304 (A) Alpha-ethyltryptamine, some trade or other names: etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET;
- 306 (B) 4-bromo-2,5-dimethoxy-amphetamine, some trade or other names: 4-bromo-2,5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA;
- 308 (C) 4-bromo-2,5-dimethoxyphenethylamine, some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus;
- 311 (D) 2,5-dimethoxyamphetamine, some trade or other names: 2,5-dimethoxy- α -methylphenethylamine; 2,5-DMA;
- 313 (E) 2,5-dimethoxy-4-ethylamphetamine, some trade or other names: DOET;
- 314 (F) 4-methoxyamphetamine, some trade or other names: 4-methoxy- α -methylphenethylamine; paramethoxyamphetamine, PMA;
- 316 (G) 5-methoxy-3,4-methylenedioxyamphetamine;
- 317 (H) 4-methyl-2,5-dimethoxy-amphetamine, some trade and other names: 4-methyl-2,5-dimethoxy- α -methylphenethylamine; "DOM"; and "STP";

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- 319 (I) 3,4-methylenedioxy amphetamine;
- 320 (J) 3,4-methylenedioxymethamphetamine (MDMA);
- 321 (K) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl- alpha-
methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA;
- 324 (L) N-hydroxy-3,4-methylenedioxyamphetamine, also known as N-hydroxy-alpha-
methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA;
- 327 (M) 3,4,5-trimethoxy amphetamine;
- 328 (N) Bufotenine, some trade and other names: 3-(β -Dimethylaminoethyl)-5-hydroxyindole; 3-(2-
dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;
mappine;
- 331 (O) Diethyltryptamine, some trade and other names: N,N-Diethyltryptamine; DET;
- 332 (P) Dimethyltryptamine, some trade or other names: DMT;
- 333 (Q) Ibogaine, some trade and other names: 7-Ethyl-6,6 β ,7,8,9,10,12,13-octahydro-2-methoxy-6,9-
methano-5H-pyrido [1', 2':1,2] azepino [5,4-b] indole; Tabernanthe iboga;
- 336 (R) Lysergic acid diethylamide;
- 337 (S) Marijuana;
- 338 (T) Mescaline;
- 339 (U) Parahexyl, some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
dibenzo[b,d]pyran; Synhexyl;
- 342 (V) Peyote, meaning all parts of the plant presently classified botanically as *Lophophora williamsii*
Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and
every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or
extracts (Interprets 21 USC 812(c), Schedule I(c) (12));
- 347 (W) N-ethyl-3-piperidyl benzilate;
- 348 (X) N-methyl-3-piperidyl benzilate;
- 349 (Y) Psilocybin;
- 350 (Z) Psilocyn;
- 351 (AA) Tetrahydrocannabinols, naturally contained in a plant of the genus *Cannabis* (cannabis plant),
except for marijuana as defined in Subsection 58-37-2(1)(aa)(i)(E), as well as synthetic equivalents
of the substances contained in the cannabis plant, or in the resinous extractives of *Cannabis*, sp.
and/or synthetic substances, derivatives, and their isomers with similar chemical structure and

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pharmacological activity to those substances contained in the plant, such as the following: Δ 1 cis or trans tetrahydrocannabinol, and their optical isomers Δ 6 cis or trans tetrahydrocannabinol, and their optical isomers Δ 3,4 cis or trans tetrahydrocannabinol, and its optical isomers, and since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered;

- 363 (BB) Ethylamine analog of phencyclidine, some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE;
- 366 (CC) Pyrrolidine analog of phencyclidine, some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine, PCPy, PHP;
- 368 (DD) Thiophene analog of phencyclidine, some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP; and
- 371 (EE) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine, some other names: TCPy.
- 372 (iv) Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:
- 377 (A) Mecloqualone; and
- 378 (B) Methaqualone.
- 379 (v) Any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:
- 382 (A) Aminorex, some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine;
- 384 (B) Cathinone, some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone;
- 386 (C) Fenethylamine;
- 387 (D) Methcathinone, some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone;

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- methylcathinone; AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and salts of optical isomers;
- 392 (E) (\pm)cis-4-methylaminorex ((\pm)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 393 (F) N-ethylamphetamine; and
- 394 (G) N,N-dimethylamphetamine, also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine.
- 396 (vi) Any material, compound, mixture, or preparation which contains any quantity of the following substances, including their optical isomers, salts, and salts of isomers, subject to temporary emergency scheduling:
- 399 (A) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl); and
- 400 (B) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl).
- 401 (vii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of gamma hydroxy butyrate (gamma hydrobutyric acid), including its salts, isomers, and salts of isomers.
- 405 (viii) Unless specifically excepted or unless listed in another schedule, the following substances commonly found in *Mitragyna speciosa*, including synthetic versions, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, when the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation:
- 410 (A) 7-hydroxymitragynine (methyl (E)-2-[(2S,3S,7aS,12bS)-3-ethyl-7a-hydroxy-8-methoxy-2,3,4,6,7,12b-hexahydro-1H-indolo[2,3-a]quinolizin-2-yl]-3-methoxyprop-2-enoate); and
- 413 (B) Mitragynine pseudoindoxyl (methyl (E)-2-[(2S,6'S,7'S,8'aS)-6'-ethyl-4-methoxy-3-oxospiro[1H-indole-2,1'-3,5,6,7,8,8a-hexahydro-2H-indolizine]-7'-yl]-3-methoxyprop-2-enoate).
- 415 (b) Schedule II:
- 416 (i) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
- 420 (A) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including:
- 423 (I) Raw opium;

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- 424 (II) Opium extracts;
- 425 (III) Opium fluid;
- 426 (IV) Powdered opium;
- 427 (V) Granulated opium;
- 428 (VI) Tincture of opium;
- 429 (VII) Codeine;
- 430 (VIII) Ethylmorphine;
- 431 (IX) Etorphine hydrochloride;
- 432 (X) Hydrocodone;
- 433 (XI) Hydromorphone;
- 434 (XII) Metopon;
- 435 (XIII) Morphine;
- 436 (XIV) Oxycodone;
- 437 (XV) Oxymorphone; and
- 438 (XVI) Thebaine;
- 439 (B) Any salt, compound, derivative, or preparation which is chemically equivalent or identical with any of the substances referred to in Subsection (2)(b)(i)(A), except that these substances may not include the isoquinoline alkaloids of opium;
- 443 (C) Opium poppy and poppy straw;
- 444 (D) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation which is chemically equivalent or identical with any of these substances, and includes cocaine and ecgonine, their salts, isomers, derivatives, and salts of isomers and derivatives, whether derived from the coca plant or synthetically produced, except the substances may not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and
- 451 (E) Concentrate of poppy straw, which means the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy.
- 454 (ii) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, when the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation, except dextrophan and levopropoxyphene:

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- 459 (A) Alfentanil;
- 460 (B) Alphaprodine;
- 461 (C) Anileridine;
- 462 (D) Bezitramide;
- 463 (E) Bulk dextropropoxyphene (nondosage forms);
- 464 (F) Carfentanil;
- 465 (G) Dihydrocodeine;
- 466 (H) Diphenoxylate;
- 467 (I) Fentanyl;
- 468 (J) Isomethadone;
- 469 (K) Levo-alpha-acetylmethadol, some other names: levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;
- 471 (L) Levomethorphan;
- 472 (M) Levorphanol;
- 473 (N) Metazocine;
- 474 (O) Methadone;
- 475 (P) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- 476 (Q) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
- 478 (R) Pethidine (meperidine);
- 479 (S) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 480 (T) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 481 (U) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 482 (V) Phenazocine;
- 483 (W) Piminodine;
- 484 (X) Racemethorphan;
- 485 (Y) Racemorphan;
- 486 (Z) Remifentanil; and
- 487 (AA) Sufentanil.
- 488 (iii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

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- 491 (A) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
492 (B) Methamphetamine, its salts, isomers, and salts of its isomers;
493 (C) Phenmetrazine and its salts; and
494 (D) Methylphenidate.
- 495 (iv) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
or preparation which contains any quantity of the following substances having a depressant effect on
the central nervous system, including its salts, isomers, and salts of isomers when the existence of
the salts, isomers, and salts of isomers is possible within the specific chemical designation:
- 500 (A) Amobarbital;
501 (B) Glutethimide;
502 (C) Pentobarbital;
503 (D) Phencyclidine;
504 (E) Phencyclidine immediate precursors: 1-phenylcyclohexylamine and 1-
piperidinocyclohexanecarbonitrile (PCC); and
506 (F) Secobarbital.
- 507 (v)
(A) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
or preparation which contains any quantity of Phenylacetone.
- 510 (B) Some of these substances may be known by trade or other names: phenyl-2-propanone; P2P; benzyl
methyl ketone; and methyl benzyl ketone.
- 512 (vi) Nabilone, another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-
hexahydro-1-hydroxy-6, 6-dimethyl-9H-dibenzo[b,d]pyran-9-one.
- 515 (vii) A drug product or preparation that contains any component of marijuana, including
tetrahydrocannabinol, and is approved by the United States Food and Drug Administration and
scheduled by the Drug Enforcement Administration in Schedule II of the federal Controlled
Substances Act, Title II, P.L. 91-513.
- 519 (c) Schedule III:
- 520 (i) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
or preparation which contains any quantity of the following substances having a stimulant effect on
the central nervous system, including its salts, isomers whether optical, position, or geometric, and

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salts of the isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

- 526 (A) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II, which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under Section 1308.32 of Title 21 of the Code of Federal Regulations, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;
- 532 (B) Benzphetamine;
- 533 (C) Chlorphentermine;
- 534 (D) Clortermine; and
- 535 (E) Phendimetrazine.
- 536 (ii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:
- 539 (A) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt of any of them, and one or more other active medicinal ingredients which are not listed in any schedule;
- 542 (B) Any suppository dosage form containing amobarbital, secobarbital, or pentobarbital, or any salt of any of these drugs which is approved by the United States Food and Drug Administration for marketing only as a suppository;
- 545 (C) Any substance which contains any quantity of a derivative of barbituric acid or any salt of any of them;
- 547 (D) Chlorhexadol;
- 548 (E) Buprenorphine;
- 549 (F) Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under the federal Food, Drug, and Cosmetic Act, Section 505;
- 552 (G) Ketamine, its salts, isomers, and salts of isomers, some other names for ketamine: \pm -2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone;
- 554 (H) Lysergic acid;
- 555 (I) Lysergic acid amide;

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- 556 (J) Methyprylon;
- 557 (K) Sulfondiethylmethane;
- 558 (L) Sulfonethylmethane;
- 559 (M) Sulfonmethane; and
- 560 (N) Tiletamine and zolazepam or any of their salts, some trade or other names for a tiletamine-zolazepam combination product: Telazol, some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone, some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1H)-one, flupyrzapon.
- 566 (iii) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product, some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.
- 571 (iv) Nalorphine.
- 572 (v) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid:
- 576 (A) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
- 579 (B) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active non-narcotic ingredients in recognized therapeutic amounts;
- 582 (C) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;
- 585 (D) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;
- 588 (E) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active non-narcotic ingredients in recognized therapeutic amounts;
- 591 (F) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;
- 594

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- (G) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts; and
- 597 (H) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
- 600 (vi) Unless specifically excepted or unless listed in another schedule, anabolic steroids including any of the following or any isomer, ester, salt, or derivative of the following that promotes muscle growth:
- 603 (A) Boldenone;
- 604 (B) Chlorotestosterone (4-chlortestosterone);
- 605 (C) Clostebol;
- 606 (D) Dehydrochlormethyltestosterone;
- 607 (E) Dihydrotestosterone (4-dihydrotestosterone);
- 608 (F) Drostanolone;
- 609 (G) Ethylestrenol;
- 610 (H) Fluoxymesterone;
- 611 (I) Formebolone (formebolone);
- 612 (J) Mesterolone;
- 613 (K) Methandienone;
- 614 (L) Methandranone;
- 615 (M) Methandriol;
- 616 (N) Methandrostenolone;
- 617 (O) Methenolone;
- 618 (P) Methyltestosterone;
- 619 (Q) Mibolerone;
- 620 (R) Nandrolone;
- 621 (S) Norethandrolone;
- 622 (T) Oxandrolone;
- 623 (U) Oxymesterone;
- 624 (V) Oxymetholone;
- 625 (W) Stanolone;
- 626 (X) Stanozolol;

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- 627 (Y) Testolactone;
- 628 (Z) Testosterone; and
- 629 (AA) Trenbolone.
- 630 (vii) Anabolic steroids expressly intended for administration through implants to cattle or other nonhuman species, and approved by the Secretary of Health and Human Services for use, may not be classified as a controlled substance.
- 633 (viii) A drug product or preparation that contains any component of marijuana, including tetrahydrocannabinol, and is approved by the United States Food and Drug Administration and scheduled by the Drug Enforcement Administration in Schedule III of the federal Controlled Substances Act, Title II, P.L. 91-513.
- 637 (ix) Nabiximols.
- 638 (d) Schedule IV:
- 639 (i) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit, or any salts of any of them.
- 643 (ii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:
- 648 (A) Alprazolam;
- 649 (B) Barbital;
- 650 (C) Bromazepam;
- 651 (D) Butorphanol;
- 652 (E) Camazepam;
- 653 (F) Carisoprodol;
- 654 (G) Chloral betaine;
- 655 (H) Chloral hydrate;
- 656 (I) Chlordiazepoxide;
- 657 (J) Clobazam;
- 658 (K) Clonazepam;
- 659 (L) Clorazepate;

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660 (M) Clotiazepam;
661 (N) Cloxazolam;
662 (O) Delorazepam;
663 (P) Diazepam;
664 (Q) Dichloralphenazone;
665 (R) Estazolam;
666 (S) Ethchlorvynol;
667 (T) Ethinamate;
668 (U) Ethyl loflazepate;
669 (V) Fludiazepam;
670 (W) Flunitrazepam;
671 (X) Flurazepam;
672 (Y) Halazepam;
673 (Z) Haloxazolam;
674 (AA) Ketazolam;
675 (BB) Loprazolam;
676 (CC) Lorazepam;
677 (DD) Lormetazepam;
678 (EE) Mebutamate;
679 (FF) Medazepam;
680 (GG) Meprobamate;
681 (HH) Methohexital;
682 (II) Methylphenobarbital (mephobarbital);
683 (JJ) Midazolam;
684 (KK) Nimetazepam;
685 (LL) Nitrazepam;
686 (MM) Nordiazepam;
687 (NN) Oxazepam;
688 (OO) Oxazolam;
689 (PP) Paraldehyde;
690 (QQ) Pentazocine;

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- 691 (RR) Petrichloral;
692 (SS) Phenobarbital;
693 (TT) Pinazepam;
694 (UU) Prazepam;
695 (VV) Quazepam;
696 (WW) Temazepam;
697 (XX) Tetrazepam;
698 (YY) Tramadol;
699 (ZZ) Triazolam;
700 (AAA) Zaleplon; and
701 (BBB) Zolpidem.
702 (iii) Any material, compound, mixture, or preparation of fenfluramine which contains any quantity of the following substances, including its salts, isomers whether optical, position, or geometric, and salts of the isomers when the existence of the salts, isomers, and salts of isomers is possible.
706 (iv) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers whether optical, position, or geometric isomers, and salts of the isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:
712 (A) Cathine ((+)-norpseudoephedrine);
713 (B) Diethylpropion;
714 (C) Fencamfamine;
715 (D) Fenproporex;
716 (E) Mazindol;
717 (F) Mefenorex;
718 (G) Modafinil;
719 (H) Pemoline, including organometallic complexes and chelates thereof;
720 (I) Phentermine;
721 (J) Pipradrol;
722 (K) Sibutramine; and
723 (L) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

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- 724 (v) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
or preparation which contains any quantity of dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
2-diphenyl-3-methyl-2-propionoxybutane), including its salts.
- 728 (vi) A drug product or preparation that contains any component of marijuana and is approved
by the United States Food and Drug Administration and scheduled by the Drug Enforcement
Administration in Schedule IV of the federal Controlled Substances Act, Title II, P.L. 91-513.
- 732 (e) Schedule V:
- 733 (i) Any compound, mixture, or preparation containing any of the following limited quantities of
narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, which includes
one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the
compound, mixture, or preparation valuable medicinal qualities other than those possessed by the
narcotic drug alone:
- 738 (A) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;
- 739 (B) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;
- 741 (C) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;
- 743 (D) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate
per dosage unit;
- 745 (E) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
- 746 (F) not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per
dosage unit; and
- 748 (G) unless specifically exempted or excluded or unless listed in another schedule, any material,
compound, mixture, or preparation which contains Pyrovalerone having a stimulant effect on the
central nervous system, including its salts, isomers, and salts of isomers.
- 752 (ii) A drug product or preparation that contains any component of marijuana, including cannabidiol,
and is approved by the United States Food and Drug Administration and scheduled by the Drug
Enforcement Administration in Schedule V of the federal Controlled Substances Act, Title II, P.L.
91-513.
- 756 (iii) Gabapentin.

757 Section 8. **Repealer.**

This Bill Repeals:

758 This bill repeals:

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759 Section **4-45-101, Title.**

28 Section 2. Section **2** is enacted to read:

29 **58-38a-205. Kratom study.**

30 (1) As used in this section, "kratom product" means the same as that term is defined in Section
4-45-102.

32 (2) The committee shall:

33 (a) review scientific, medical, and regulatory information related to kratom products that comply with
Section 4-45-104;

35 (b) evaluate the safety profile, patterns of use, and appropriate regulatory framework for kratom
products described in Subsection (2)(a); and

37 (c) submit a written report, including recommendations for legislative action, to the Health and Human
Services Interim Committee no later than January 15, 2027.

760 Section 9. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

762 Section 10. **Coordinating S.B. 45 with H.B. 387.**

If S.B. 45, Kratom Adjustments, and H.B. 387, Kratom Modifications, both pass, the
Legislature intends that H.B. 387 not be enrolled and not become law.

3-3-26 4:17 PM