

SB0045S04 compared with SB0045S02

~~{Omitted text}~~ shows text that was in SB0045S02 but was omitted in SB0045S04

inserted text shows text that was not in SB0045S02 but was inserted into SB0045S04

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1

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 Agriculture and Food;
- 11 ▶ only allows a retail tobacco specialty business to sell kratom;
- 12 ▶ bans the sale of certain kratom products;
- 13 ▶ amends provisions related to penalties and fees;
- 14 ▶ 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
- 17 ▶ schedules Mitragynine pseudoindoxyl, including synthetics~~{-}~~ ; and
- 18 ▶

SB0045S02

SB0045S02 compared with SB0045S04

includes a coordination clause with H.B. 387, Kratom Modifications, directing the Legislature to not enroll H.B. 387.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill provides a coordination clause.

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **4-45-102** , as enacted by Laws of Utah 2019, Chapter 329

27 **4-45-103** , as enacted by Laws of Utah 2019, Chapter 329

28 **4-45-104** , as enacted by Laws of Utah 2019, Chapter 329

29 **4-45-105** , as enacted by Laws of Utah 2019, Chapter 329

30 **4-45-108** , as enacted by Laws of Utah 2019, Chapter 329

29 ~~**58-37-2** , as last amended by Laws of Utah 2025, Chapter 396~~

31 **58-37-4** , as last amended by Laws of Utah 2025, Chapter 216

32 ENACTS:

33 **58-37-3.4** , **Utah Code Annotated 1953**

34 REPEALS:

35 **4-45-101** , as enacted by Laws of Utah 2019, Chapter 329

36

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

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

34

CHAPTER 45. Kratom Regulation Act

40 **4-45-102. Definitions.**

As used in this chapter:

37 [(1) "Commissioner" means the commissioner of the department.]

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

40 [(3) "Food" means:]

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

SB0045S02 compared with SB0045S04

- 43 ~~[(b) chewing gum or chewing gum components; or]~~
44 ~~[(c) a food supplement for special dietary use that is necessitated because of a physical, physiological,~~
~~pathological, or other condition.]~~
46 (1) "Kratom extract" means a preparation containing any part of the Mitragyna speciosa plant in a
concentrated form.
48 ~~[(4)]~~ (2) "Kratom processor" means a person who[:]
49 ~~[(a) sells, prepares, or maintains-] prepares, processes, manufactures, or distributes a kratom product[;~~
~~or] .~~
51 ~~[(b) advertises, represents, or holds oneself out as selling, preparing, or maintaining a kratom product.]~~
53 ~~[(5)]~~ (3) "Kratom product" [mean food] means a product containing any part of a leaf of the plant
Mitragyna speciosa.
55 (4) "Kratom retailer" means a person who sells a kratom product for retail sale in the state.
56 (5) "Pure leaf kratom" means a kratom product that:
57 (a) is identifiable as plant matter or is identifiable plant matter contained in an encapsulating agent
described in Subsection {~~(5)(b)(iii)~~ } (5)(b);
59 (b) is not mixed or packed with a nonkratom substance unless the nonkratom substance is an inert
encapsulating agent that:
61 (i) is composed of food-grade or pharmaceutical-grade materials with no pharmacological activity;
63 (ii) contains no psychoactive substances, stimulants, or adulterants; and
64 (iii) serves solely to contain or deliver the plant matter;
65 (c) does not contain any kratom extract; and
66 ~~{(d) {is not a controlled substance under Section 58-37-4.}-}~~
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.

70

SB0045S02 compared with SB0045S04

(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.

73 (2) For a violation of Subsection (1), a kratom processor is subject to an administrative fine ~~[of:]~~ up to
75 \$5,000.

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

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

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

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

81 **4-45-104. Kratom processor and kratom retailer requirements -- Criminal penalty.**

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

84 (a) ~~[that is mixed or packed with a nonkratom substance that affects the quality or strength of the~~
85 ~~kratom product to such a degree as to render the kratom product injurious to a consumer;]~~ is not
86 pure leaf kratom; and

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

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

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

93 ~~[(e)]~~ (b) ~~[that]~~ does not include a product label on the kratom product packaging that states the amount
94 of mitragynine and 7-hydroxymitragynine contained in the packaged kratom product.

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

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

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

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

99 ~~[(3) A kratom processor does not violate Subsection (1) if the kratom processor shows by a~~
100 ~~preponderance of the evidence that the kratom processor relied in good faith upon the representation~~
101 ~~of a manufacturer, processor, packer, or distributor of food represented to be a kratom product.]~~

SB0045S02 compared with SB0045S04

- 106 [(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.
- 109 [(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.
- 111 (b) A kratom retailer shall register with the department as a kratom retailer.
- 112 (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 {Section} 17-78-1004.
- 115 (d) The department shall set a fee to register the following:
- 116 (i) a kratom processor; and
- 117 (ii) a kratom retailer{;} .
- 118 (e) The department shall:
- 119 (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
- 122 (ii) assess the fine described in Subsection {(4)(d)(i)} (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.**
- 127 (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.
- 129 (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.**

SB0045S02 compared with SB0045S04

- 133 (1) The department shall set a fee to register a kratom product, in accordance with Section 4-2-103.
- 135 (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.
- 138 (3) The department shall:
- 139 (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
- 142 (b) assess the fine described in Subsection (3)(a) against any person who offers an unregistered kratom
product for sale in this state.
- 144 (4) The department may seize and destroy any unregistered kratom product offered for sale in this state.

146 ~~{Section 6. Section 58-37-2 is amended to read: }~~

147 **58-37-2. Definitions.**

- 148 (1) As used in this chapter:
- 149 (a) "Administer" means the direct application of a controlled substance, whether by injection,
inhalation, ingestion, or any other means, to the body of a patient or research subject by:
- 152 (i) a practitioner or, in the practitioner's presence, by the practitioner's authorized agent; or
- 154 (ii) the patient or research subject at the direction and in the presence of the practitioner.
- 156 (b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer,
distributor, or practitioner but does not include a motor carrier, public warehouseman, or employee
of any of them.
- 159 (c) "Consumption" means ingesting or having any measurable amount of a controlled substance in a
person's body, but this Subsection (1)(c) does not include the metabolite of a controlled substance.
- 162 (d) "Continuing criminal enterprise" means any individual, sole proprietorship, partnership, corporation,
business trust, association, or other legal entity, and any union or groups of individuals associated
in fact although not a legal entity, and includes illicit as well as licit entities created or maintained
for the purpose of engaging in conduct which constitutes the commission of episodes of activity
made unlawful by this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b, Imitation
Controlled Substances Act, Chapter 37c, Utah Controlled Substance Precursor Act, or Chapter 37d,
Clandestine Drug Lab Act, which episodes are not isolated, but have the same or similar purposes,
results, participants, victims, methods of commission, or otherwise are interrelated by distinguishing

SB0045S02 compared with SB0045S04

characteristics. Taken together, the episodes shall demonstrate continuing unlawful conduct and be related either to each other or to the enterprise.

- 174 (e) "Control" means to add, remove, or change the placement of a drug, substance, or immediate
precursor under Section 58-37-3.
- 176 (f)
- (i) "Controlled substance" means a drug or substance:
- 177 (A) included in Schedules I, II, III, IV, or V of Section 58-37-4;
- 178 (B) included in Schedules I, II, III, IV, or V of the federal Controlled Substances Act, Title II, P.L.
91-513;
- 180 (C) that is a controlled substance analog; or
- 181 (D) listed in Section 58-37-4.2.
- 182 (ii) "Controlled substance" does not include:
- 183 (A) distilled spirits, wine, or malt beverages, as those terms are defined in Title 32B, Alcoholic
Beverage Control Act;
- 185 (B) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or prevention
of disease in human or other animals, which contains ephedrine, pseudoephedrine,
norpseudoephedrine, or phenylpropanolamine if the drug is lawfully purchased, sold, transferred, or
furnished as an over-the-counter medication without prescription; or
- 190 (C) dietary supplements, vitamins, minerals, herbs, or other similar substances including concentrates or
extracts, which:
- 192 (I) are not otherwise regulated by law; and
- 193 (II) may contain naturally occurring amounts of chemical or substances listed in this chapter, or in rules
adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 196 (g)
- (i) "Controlled substance analog" means:
- 197 (A) a substance the chemical structure of which is substantially similar to the chemical structure
of a controlled substance listed in Schedules I and II of Section 58-37-4, a substance listed in
Section 58-37-4.2, or in Schedules I and II of the federal Controlled Substances Act, Title II,
P.L. 91-513;
- 201 (B) a substance that has a stimulant, depressant, or hallucinogenic effect on the central nervous
system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central

SB0045S02 compared with SB0045S04

nervous system of controlled substances listed in Schedules I and II of Section 58-37-4, substances listed in Section 58-37-4.2, or substances listed in Schedules I and II of the federal Controlled Substances Act, Title II, P.L. 91-513; or

- 207 (C) A substance that, with respect to a particular individual, is represented or intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of controlled substances listed in Schedules I and II of Section 58-37-4, substances listed in Section 58-37-4.2, or substances listed in Schedules I and II of the federal Controlled Substances Act, Title II, P.L. 91-513.
- 214 (ii) "Controlled substance analog" does not include:
- 215 (A) a controlled substance currently scheduled in Schedules I through V of Section 58-37-4;
- 217 (B) a substance for which there is an approved new drug application;
- 218 (C) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the Food, Drug, and Cosmetic Act, 21 U.S.C. 355, to the extent the conduct with respect to the substance is permitted by the exemption;
- 222 (D) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance;
- 224 (E) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is lawfully purchased, sold, transferred, or furnished as an over-the-counter medication without prescription; or
- 229 (F) dietary supplements, vitamins, minerals, herbs, or other similar substances including concentrates or extracts, which are not otherwise regulated by law, which may contain naturally occurring amounts of chemical or substances listed in this chapter, or in rules adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 234 (h)
- (i) "Conviction" means a determination of guilt by verdict, whether jury or bench, or plea, whether guilty or no contest, for any offense proscribed by:
- 236 (A) this chapter;
- 237 (B) Chapter 37a, Utah Drug Paraphernalia Act;
- 238 (C) Chapter 37b, Imitation Controlled Substances Act;

SB0045S02 compared with SB0045S04

- 239 (D) Chapter 37c, Utah Controlled Substance Precursor Act; or
240 (E) Chapter 37d, Clandestine Drug Lab Act; or
241 (ii) for any offense under the laws of the United States and any other state which, if committed in this
state, would be an offense under:
243 (A) this chapter;
244 (B) Chapter 37a, Utah Drug Paraphernalia Act;
245 (C) Chapter 37b, Imitation Controlled Substances Act;
246 (D) Chapter 37c, Utah Controlled Substance Precursor Act; or
247 (E) Chapter 37d, Clandestine Drug Lab Act.
248 (i) "Counterfeit substance" means:
249 (i) any controlled substance or container or labeling of any controlled substance that:
250 (A) without authorization bears the trademark, trade name, or other identifying mark, imprint, number,
device, or any likeness of them, of a manufacturer, distributor, or dispenser other than the person or
persons who in fact manufactured, distributed, or dispensed the substance which falsely purports to
be a controlled substance distributed by any other manufacturer, distributor, or dispenser; and
256 (B) a reasonable person would believe to be a controlled substance distributed by an authorized
manufacturer, distributor, or dispenser based on the appearance of the substance as described under
Subsection (1)(i)(i)(A) or the appearance of the container of that controlled substance; or
260 (ii) any substance other than under Subsection (1)(i)(i) that:
261 (A) is falsely represented to be any legally or illegally manufactured controlled substance; and
263 (B) a reasonable person would believe to be a legal or illegal controlled substance.
264 (j) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a controlled
substance or a listed chemical, whether or not an agency relationship exists.
266 (k) "Department" means the Department of Commerce.
267 (l) "Depressant or stimulant substance" means:
268 (i) a drug which contains any quantity of barbituric acid or any of the salts of barbituric acid;
270 (ii) a drug which contains any quantity of:
271 (A) amphetamine or any of its optical isomers;
272 (B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or
273

SB0045S02 compared with SB0045S04

- (C) any substance which the Secretary of Health and Human Services or the Attorney General of the United States after investigation has found and by regulation designated habit-forming because of its stimulant effect on the central nervous system;
- 277 (iii) lysergic acid diethylamide; or
- 278 (iv) any drug which contains any quantity of a substance which the Secretary of Health and Human Services or the Attorney General of the United States after investigation has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.
- 283 (m) "Dispense" means the delivery of a controlled substance by a pharmacist to an ultimate user pursuant to the lawful order or prescription of a practitioner, and includes distributing to, leaving with, giving away, or disposing of that substance as well as the packaging, labeling, or compounding necessary to prepare the substance for delivery.
- 288 (n) "Dispenser" means a pharmacist who dispenses a controlled substance.
- 289 (o) "Distribute" means to deliver other than by administering or dispensing a controlled substance or a listed chemical.
- 291 (p) "Distributor" means a person who distributes controlled substances.
- 292 (q) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- 293 (r)
- (i) "Drug" means:
- 294 (A) a substance recognized in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;
- 299 (B) a substance that is required by any applicable federal or state law or rule to be dispensed by prescription only or is restricted to administration by practitioners only;
- 302 (C) a substance other than food intended to affect the structure or any function of the body of humans or other animals; and
- 304 (D) substances intended for use as a component of any substance specified in Subsections (1)(r)(i) (A), (B), and (C).
- 306 (ii) "Drug" does not include dietary supplements.
- 307

SB0045S02 compared with SB0045S04

- (iii) "Drug" includes a food intended for human consumption that intentionally contains a vaccine or vaccine material as provided in Section 4-5-107.
- 309 (s) "Drug dependent person" means any individual who unlawfully and habitually uses any controlled substance to endanger the public morals, health, safety, or welfare, or who is so dependent upon the use of controlled substances as to have lost the power of self-control with reference to the individual's dependency.
- 313 (t)
- (i) "Food" means:
- 314 (A) any nutrient or substance of plant, mineral, or animal origin other than a drug as specified in this chapter, and normally ingested by human beings; and
- 316 (B) foods for special dietary uses as exist by reason of a physical, physiological, pathological, or other condition including the conditions of disease, convalescence, pregnancy, lactation, allergy, hypersensitivity to food, underweight, and overweight; uses for supplying a particular dietary need which exist by reason of age including the ages of infancy and childbirth, and also uses for supplementing and for fortifying the ordinary or unusual diet with any vitamin, mineral, or other dietary property for use of a food.
- 323 (ii) Any particular use of a food is a special dietary use regardless of the nutritional purposes.
- 325 (u) "Immediate precursor" means a substance which the Attorney General of the United States has found to be, and by regulation designated as being, the principal compound used or produced primarily for use in the manufacture of a controlled substance, or which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.
- 331 (v) "Indian" means a member of an Indian tribe.
- 332 (w) "Indian religion" means a religion:
- 333 (i) the origin and interpretation of which is from within a traditional Indian culture or community; and
- 335 (ii) that is practiced by Indians.
- 336 (x) "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Alaska Native village, which is legally recognized as eligible for and is consistent with the special programs, services, and entitlements provided by the United States to Indians because of their status as Indians.

341

SB0045S02 compared with SB0045S04

- (y) "Manufacture" means the production, preparation, propagation, compounding, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis.
- 345 (z) "Manufacturer" includes any person who packages, repackages, or labels any container of any controlled substance, except pharmacists who dispense or compound prescription orders for delivery to the ultimate consumer.
- 348 (aa)
- (i) "Marijuana" means all species of the genus cannabis and all parts of the genus, whether growing or not, including:
- 350 (A) seeds;
- 351 (B) resin extracted from any part of the plant, including the resin extracted from the mature stalks;
- 353 (C) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, seeds, or resin;
- 355 (D) any synthetic equivalents of the substances contained in the plant cannabis sativa or any other species of the genus cannabis which are chemically indistinguishable and pharmacologically active; and
- 358 (E) any component part or cannabinoid extracted or isolated from the plant, including extracted or isolated tetrahydrocannabinols.
- 360 (ii) "Marijuana" does not include:
- 361 (A) the mature stalks of the plant;
- 362 (B) fiber produced from the stalks;
- 363 (C) oil or cake made from the seeds of the plant;
- 364 (D) except as provided in Subsection (1)(aa)(i), any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil or cake;
- 367 (E) the sterilized seed of the plant which is incapable of germination;
- 368 (F) any compound, mixture, or preparation approved by the federal Food and Drug Administration under the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq. that is not listed in a schedule of controlled substances in Section 58-37-4 or in the federal Controlled Substances Act, Title II, P.L. 91-513; or
- 373 (G) transportable industrial hemp concentrate as that term is defined in Section 4-41-102.

SB0045S02 compared with SB0045S04

- 375 (bb) "Money" means officially issued coin and currency of the United States or any foreign country.
- 377 (cc) "Narcotic drug" means any of the following, 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:
- 380 (i) opium, coca leaves, and opiates;
- 381 (ii) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;
- 383 (iii) opium poppy and poppy straw; or
- 384 (iv) a substance, and any compound, manufacture, salt, derivative, or preparation of the substance, which is chemically identical with any of the substances referred to in Subsection (1)(cc)(i), (ii), or (iii), except narcotic drug does not include decocainized coca leaves or extracts of coca leaves which do not contain cocaine or ecgonine.
- 389 (dd) "Negotiable instrument" means documents, containing an unconditional promise to pay a sum of money, which are legally transferable to another party by endorsement or delivery.
- 392 (ee) "Opiate" means any drug or other substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability.
- 395 (ff) "Opium poppy" means the plant of the species *papaver somniferum* L., except the seeds of the plant.
- 397 (gg) "Person" means any corporation, association, partnership, trust, other institution or entity or one or more individuals.
- 399 (hh) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- 400 (ii) "Possession" or "use" means the joint or individual ownership, control, occupancy, holding, retaining, belonging, maintaining, or the application, inhalation, swallowing, injection, or consumption, as distinguished from distribution, of controlled substances and includes individual, joint, or group possession or use of controlled substances. For a person to be a possessor or user of a controlled substance, it is not required that the person be shown to have individually possessed, used, or controlled the substance, but it is sufficient if it is shown that the person jointly participated with one or more persons in the use, possession, or control of any substances with knowledge that the activity was occurring, or the controlled substance is found in a place or under circumstances indicating that the person had the ability and the intent to exercise dominion and control over the controlled substance.

SB0045S02 compared with SB0045S04

- 411 (jj) "Practitioner" means a physician, dentist, naturopathic physician, veterinarian, pharmacist, scientific
investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted to
distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical
analysis a controlled substance in the course of professional practice or research in this state.
- 416 (kk) "Prescribe" means to issue a prescription:
- 417 (i) orally or in writing; or
- 418 (ii) by telephone, facsimile transmission, computer, or other electronic means of communication as
defined by division rule.
- 420 (ll) "Prescription" means an order issued:
- 421 (i) by a licensed practitioner, in the course of that practitioner's professional practice or by collaborative
pharmacy practice agreement; and
- 423 (ii) for a controlled substance or other prescription drug or device for use by a patient or an animal.
- 425 (mm) "Production" means the manufacture, planting, cultivation, growing, or harvesting of a controlled
substance.
- 427 (nn) "Securities" means any stocks, bonds, notes, or other evidences of debt or of property.
- 429 (oo) "State" means the state of Utah.
- 430 (pp) "Total kratom alkaloid composition" means the total amount of all alkaloids derived from the
Mitragyna speciosa plant.
- 432 [~~(pp)~~] (qq) "Ultimate user" means any person who lawfully possesses a controlled substance for the
person's own use, for the use of a member of the person's household, or for administration to an
animal owned by the person or a member of the person's household.
- 436 (2) If a term used in this chapter is not defined, the definition and terms of Title 76, Utah Criminal
Code, shall apply.

161 Section 6. Section 6 is enacted to read:

162 **58-37-3.4. Exemption for 7-hydroxymitragyine 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,

SB0045S02 compared with SB0045S04

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, manufactures, 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.

441 (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.

443 (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:

445 (a) Schedule I:

446 (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:

450 (A) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

452 (B) Acetyl fentanyl: (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);

453 (C) Acetylmethadol;

454 (D) Acryl fentanyl (N-(1-Phenethylpiperidin-4-yl)-N-phenylacrylamide);

455 (E) Allylprodine;

456 (F) Alphacetylmethadol, except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol,
levomethadyl acetate, or LAAM;

458 (G) Alphameprodine;

459 (H) Alphamethadol;

460 (I) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-
methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

462 (J) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);

464 (K) Benzylpiperazine;

SB0045S02 compared with SB0045S04

- 465 (L) Benzethidine;
- 466 (M) Betacetylmethadol;
- 467 (N) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
- 469 (O) Beta-hydroxy-3-methylfentanyl, other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;
- 471 (P) Betameprodine;
- 472 (Q) Betamethadol;
- 473 (R) Betaprodine;
- 474 (S) Butyryl fentanyl (N-(1-(2-phenylethyl)-4-piperidinyl)-N-phenylbutyramide);
- 475 (T) Clonitazene;
- 476 (U) Cyclopropyl fentanyl (N-(1-Phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
- 478 (V) Dextromoramide;
- 479 (W) Diampromide;
- 480 (X) Diethylthiambutene;
- 481 (Y) Difenoxin;
- 482 (Z) Dimenoxadol;
- 483 (AA) Dimepheptanol;
- 484 (BB) Dimethylthiambutene;
- 485 (CC) Dioxaphetyl butyrate;
- 486 (DD) Dipipanone;
- 487 (EE) Ethylmethylthiambutene;
- 488 (FF) Etizolam (1-Methyl-6-o-chlorophenyl-8-ethyl-4H-s-triazolo[3,4-c]thieno[2,3-e]1,4-diazepine);
- 490 (GG) Etonitazene;
- 491 (HH) Etoxeridine;
- 492 (II) Furanyl fentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl] furan-2-carboxamide);
- 494 (JJ) Furethidine;
- 495 (KK) Hydroxypethidine;
- 496 (LL) Ketobemidone;
- 497 (MM) Levomoramide;
- 498 (NN) Levophenacilmorphan;
- 499 (OO) Methoxyacetyl fentanyl (2-Methoxy-N-(1-phenylethylpiperidinyl-4-yl)-N-acetamide);

SB0045S02 compared with SB0045S04

- 501 (PP) Morpheridine;
- 502 (QQ) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 503 (RR) Noracymethadol;
- 504 (SS) Norlevorphanol;
- 505 (TT) Normethadone;
- 506 (UU) Norpipanone;
- 507 (VV) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);
- 509 (WW) Para-fluoroisobutyryl fentanyl (N-(4-Fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
- 511 (XX) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 512 (YY) Phenadoxone;
- 513 (ZZ) Phenampromide;
- 514 (AAA) Phenibut;
- 515 (BBB) Phenomorphan;
- 516 (CCC) Phenoperidine;
- 517 (DDD) Piritramide;
- 518 (EEE) Proheptazine;
- 519 (FFF) Properidine;
- 520 (GGG) Propiram;
- 521 (HHH) Racemoramide;
- 522 (III) Tetrahydrofuran fentanyl (N-(1-Phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);
- 524 (JJJ) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide);
- 525 (KKK) Tianeptine;
- 526 (LLL) Tilidine;
- 527 (MMM) Trimeperidine;
- 528 (NNN) 3-methylfentanyl, including the optical and geometric isomers (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]- N-phenylpropanamide);
- 530 (OOO) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- 532 (PPP) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide also known as U-47700; and
- 534 (QQQ) 4-cyano CUMYL-BUTINACA.

SB0045S02 compared with SB0045S04

- 535 (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:
- 539 (A) Acetorphine;
- 540 (B) Acetyldihydrocodeine;
- 541 (C) Benzylmorphine;
- 542 (D) Codeine methylbromide;
- 543 (E) Codeine-N-Oxide;
- 544 (F) Cyprenorphine;
- 545 (G) Desomorphine;
- 546 (H) Dihydromorphine;
- 547 (I) Drotebanol;
- 548 (J) Etorphine (except hydrochloride salt);
- 549 (K) Heroin;
- 550 (L) Hydromorphanol;
- 551 (M) Methyldesorphine;
- 552 (N) Methylhydromorphine;
- 553 (O) Morphine methylbromide;
- 554 (P) Morphine methylsulfonate;
- 555 (Q) Morphine-N-Oxide;
- 556 (R) Myrophine;
- 557 (S) Nicocodeine;
- 558 (T) Nicomorphine;
- 559 (U) Normorphine;
- 560 (V) Pholcodine; and
- 561 (W) Thebacon.
- 562 (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:

SB0045S02 compared with SB0045S04

- 568 (A) Alpha-ethyltryptamine, some trade or other names: etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET;
- 570 (B) 4-bromo-2,5-dimethoxy-amphetamine, some trade or other names: 4-bromo-2,5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA;
- 572 (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;
- 575 (D) 2,5-dimethoxyamphetamine, some trade or other names: 2,5-dimethoxy- α -methylphenethylamine; 2,5-DMA;
- 577 (E) 2,5-dimethoxy-4-ethylamphetamine, some trade or other names: DOET;
- 578 (F) 4-methoxyamphetamine, some trade or other names: 4-methoxy- α -methylphenethylamine; paramethoxyamphetamine, PMA;
- 580 (G) 5-methoxy-3,4-methylenedioxyamphetamine;
- 581 (H) 4-methyl-2,5-dimethoxy-amphetamine, some trade and other names: 4-methyl-2,5-dimethoxy- α -methylphenethylamine; "DOM"; and "STP";
- 583 (I) 3,4-methylenedioxy amphetamine;
- 584 (J) 3,4-methylenedioxymethamphetamine (MDMA);
- 585 (K) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl- alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA;
- 588 (L) N-hydroxy-3,4-methylenedioxyamphetamine, also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA;
- 591 (M) 3,4,5-trimethoxy amphetamine;
- 592 (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;
- 595 (O) Diethyltryptamine, some trade and other names: N,N-Diethyltryptamine; DET;
- 596 (P) Dimethyltryptamine, some trade or other names: DMT;
- 597 (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;
- 600 (R) Lysergic acid diethylamide;
- 601 (S) Marijuana;
- 602 (T) Mescaline;

SB0045S02 compared with SB0045S04

- 603 (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;
- 606 (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));
- 611 (W) N-ethyl-3-piperidyl benzilate;
- 612 (X) N-methyl-3-piperidyl benzilate;
- 613 (Y) Psilocybin;
- 614 (Z) Psilocyn;
- 615 (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 pharmacological activity to those substances contained in the plant, such as the following: $\Delta 1$ cis or trans tetrahydrocannabinol, and their optical isomers $\Delta 6$ cis or trans tetrahydrocannabinol, and their optical isomers $\Delta 3,4$ 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;
- 626 (BB) Ethylamine analog of phencyclidine, some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE;
- 629 (CC) Pyrrolidine analog of phencyclidine, some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine, PCPy, PHP;
- 631 (DD) Thiophene analog of phencyclidine, some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP; and
- 634 (EE) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine, some other names: TCPy.
- 635 (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:

SB0045S02 compared with SB0045S04

- 640 (A) Mecloqualone; and
641 (B) Methaqualone.
642 (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:
645 (A) Aminorex, some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine;
647 (B) Cathinone, some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone;
649 (C) Fenethylamine;
650 (D) Methcathinone, some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and salts of optical isomers;
655 (E) (±)cis-4-methylaminorex ((±)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
656 (F) N-ethylamphetamine; and
657 (G) N,N-dimethylamphetamine, also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine.
659 (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:
662 (A) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl); and
663 (B) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thienylfentanyl).
664 (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 hydroxybutyric acid), including its salts, isomers, and salts of isomers.
668 (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:

SB0045S02 compared with SB0045S04

- 673 (A) 7-hydroxymitragynine (methyl {~~(E)-2[(2S,3S,7aS,12bS)-3-ethyl-7a-hydroxy-8-~~
~~methoxy-2,3,4,6,7,12b-hexahydro-~~ (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) {
- 675 1H-indolo[2,3-a]quinolizin-2-yl]-3-methoxyprop-2-enoate), that is concentrated at a level greater
than .4% of the total kratom alkaloid composition of any substance or product; and
- 678 {(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-
- 680 hexahydro-2H-indolizine]-7'-yl]-3-methoxyprop-2-enoate).}
- 681 {(b) } Schedule II:
- 682 (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:
- 686 (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:
- 689 (I) Raw opium;
- 690 (II) Opium extracts;
- 691 (III) Opium fluid;
- 692 (IV) Powdered opium;
- 693 (V) Granulated opium;
- 694 (VI) Tincture of opium;
- 695 (VII) Codeine;
- 696 (VIII) Ethylmorphine;
- 697 (IX) Etorphine hydrochloride;
- 698 (X) Hydrocodone;
- 699 (XI) Hydromorphone;
- 700 (XII) Metopon;

SB0045S02 compared with SB0045S04

- 701 (XIII) Morphine;
- 702 (XIV) Oxycodone;
- 703 (XV) Oxymorphone; and
- 704 (XVI) Thebaine;
- 705 (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;
- 709 (C) Opium poppy and poppy straw;
- 710 (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
- 717 (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.
- 720 (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 dextrorphan and levopropoxyphene:
- 725 (A) Alfentanil;
- 726 (B) Alphaprodine;
- 727 (C) Anileridine;
- 728 (D) Bezitramide;
- 729 (E) Bulk dextropropoxyphene (nondosage forms);
- 730 (F) Carfentanil;
- 731 (G) Dihydrocodeine;
- 732 (H) Diphenoxylate;
- 733 (I) Fentanyl;
- 734 (J) Isomethadone;
- 735

SB0045S02 compared with SB0045S04

- (K) Levo-alphaacetylmethadol, some other names: levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;
- 737 (L) Levomethorphan;
- 738 (M) Levorphanol;
- 739 (N) Metazocine;
- 740 (O) Methadone;
- 741 (P) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- 742 (Q) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
- 744 (R) Pethidine (meperidine);
- 745 (S) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 746 (T) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 747 (U) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 748 (V) Phenazocine;
- 749 (W) Piminodine;
- 750 (X) Racemethorphan;
- 751 (Y) Racemorphan;
- 752 (Z) Remifentanyl; and
- 753 (AA) Sufentanyl.
- 754 (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:
 - 757 (A) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
 - 758 (B) Methamphetamine, its salts, isomers, and salts of its isomers;
 - 759 (C) Phenmetrazine and its salts; and
 - 760 (D) Methylphenidate.
- 761 (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:
 - 766 (A) Amobarbital;
 - 767 (B) Glutethimide;

SB0045S02 compared with SB0045S04

- 768 (C) Pentobarbital;
- 769 (D) Phencyclidine;
- 770 (E) Phencyclidine immediate precursors: 1-phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile (PCC); and
- 772 (F) Secobarbital.
- 773 (v)
- (A) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of Phenylacetone.
- 776 (B) Some of these substances may be known by trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl ketone.
- 778 (vi) Nabilone, another name for nabilone: (\pm)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one.
- 781 (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.
- 785 (c) Schedule III:
- 786 (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 salts of the isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:
- 792 (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;
- 798 (B) Benzphetamine;
- 799 (C) Chlorphentermine;
- 800 (D) Clortermine; and
- 801 (E) Phendimetrazine.

SB0045S02 compared with SB0045S04

- 802 (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:
- 805 (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;
- 808 (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;
- 811 (C) Any substance which contains any quantity of a derivative of barbituric acid or any salt of any of them;
- 813 (D) Chlorhexadol;
- 814 (E) Buprenorphine;
- 815 (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;
- 818 (G) Ketamine, its salts, isomers, and salts of isomers, some other names for ketamine: \pm -2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone;
- 820 (H) Lysergic acid;
- 821 (I) Lysergic acid amide;
- 822 (J) Methyprylon;
- 823 (K) Sulfondiethylmethane;
- 824 (L) Sulfonethylmethane;
- 825 (M) Sulfonmethane; and
- 826 (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, flupyrazapon.
- 832 (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-

SB0045S02 compared with SB0045S04

trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.

- 837 (iv) Nalorphine.
- 838 (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:
- 842 (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;
- 845 (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;
- 848 (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;
- 851 (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;
- 854 (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;
- 857 (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;
- 860 (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
- 863 (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.
- 866 (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:
- 869 (A) Boldenone;
- 870 (B) Chlorotestosterone (4-chlortestosterone);
- 871 (C) Clostebol;
- 872 (D) Dehydrochlormethyltestosterone;

SB0045S02 compared with SB0045S04

- 873 (E) Dihydrotestosterone (4-dihydrotestosterone);
- 874 (F) Drostanolone;
- 875 (G) Ethylestrenol;
- 876 (H) Fluoxymesterone;
- 877 (I) Formebolone (formebolone);
- 878 (J) Mesterolone;
- 879 (K) Methandienone;
- 880 (L) Methandranone;
- 881 (M) Methandriol;
- 882 (N) Methandrostenolone;
- 883 (O) Methenolone;
- 884 (P) Methyltestosterone;
- 885 (Q) Mibolerone;
- 886 (R) Nandrolone;
- 887 (S) Norethandrolone;
- 888 (T) Oxandrolone;
- 889 (U) Oxymesterone;
- 890 (V) Oxymetholone;
- 891 (W) Stanolone;
- 892 (X) Stanozolol;
- 893 (Y) Testolactone;
- 894 (Z) Testosterone; and
- 895 (AA) Trenbolone.
- 896 (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.
- 899 (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.
- 903 (ix) Nabiximols.

SB0045S02 compared with SB0045S04

- 904 (d) Schedule IV:
- 905 (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.
- 909 (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:
- 914 (A) Alprazolam;
- 915 (B) Barbital;
- 916 (C) Bromazepam;
- 917 (D) Butorphanol;
- 918 (E) Camazepam;
- 919 (F) Carisoprodol;
- 920 (G) Chloral betaine;
- 921 (H) Chloral hydrate;
- 922 (I) Chlordiazepoxide;
- 923 (J) Clobazam;
- 924 (K) Clonazepam;
- 925 (L) Clorazepate;
- 926 (M) Clotiazepam;
- 927 (N) Cloxazolam;
- 928 (O) Delorazepam;
- 929 (P) Diazepam;
- 930 (Q) Dichloralphenazone;
- 931 (R) Estazolam;
- 932 (S) Ethchlorvynol;
- 933 (T) Ethinamate;
- 934 (U) Ethyl loflazepate;
- 935 (V) Fludiazepam;
- 936 (W) Flunitrazepam;

SB0045S02 compared with SB0045S04

- 937 (X) Flurazepam;
- 938 (Y) Halazepam;
- 939 (Z) Haloxazolam;
- 940 (AA) Ketazolam;
- 941 (BB) Loprazolam;
- 942 (CC) Lorazepam;
- 943 (DD) Lormetazepam;
- 944 (EE) Mebutamate;
- 945 (FF) Medazepam;
- 946 (GG) Meprobamate;
- 947 (HH) Methohexital;
- 948 (II) Methylphenobarbital (mephobarbital);
- 949 (JJ) Midazolam;
- 950 (KK) Nimetazepam;
- 951 (LL) Nitrazepam;
- 952 (MM) Nordiazepam;
- 953 (NN) Oxazepam;
- 954 (OO) Oxazolam;
- 955 (PP) Paraldehyde;
- 956 (QQ) Pentazocine;
- 957 (RR) Petrichloral;
- 958 (SS) Phenobarbital;
- 959 (TT) Pinazepam;
- 960 (UU) Prazepam;
- 961 (VV) Quazepam;
- 962 (WW) Temazepam;
- 963 (XX) Tetrazepam;
- 964 (YY) Tramadol;
- 965 (ZZ) Triazolam;
- 966 (AAA) Zaleplon; and
- 967 (BBB) Zolpidem.

SB0045S02 compared with SB0045S04

- 968 (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.
- 972 (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:
- 978 (A) Cathine ((+)-norpseudoephedrine);
- 979 (B) Diethylpropion;
- 980 (C) Fencamfamine;
- 981 (D) Fenproporex;
- 982 (E) Mazindol;
- 983 (F) Mefenorex;
- 984 (G) Modafinil;
- 985 (H) Pemoline, including organometallic complexes and chelates thereof;
- 986 (I) Phentermine;
- 987 (J) Pipradrol;
- 988 (K) Sibutramine; and
- 989 (L) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
- 990 (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.
- 994 (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.
- 998 (e) Schedule V:
- 999 (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

SB0045S02 compared with SB0045S04

compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

- 1004 (A) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;
- 1005 (B) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;
- 1007 (C) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;
- 1009 (D) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
- 1011 (E) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
- 1012 (F) not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit; and
- 1014 (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.
- 1018 (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.
- 1022 (iii) Gabapentin.

757 Section 8. **Repealer.**

This Bill Repeals:

758 This bill repeals:

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

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