

UTAH DEPARTMENT OF
AGRICULTURE AND FOOD

Kratom Program Proposed Statute Changes

Specialized Products Division
Aug 2025

What is Kratom?



A Leaf from Southeast Asia

- Kratom is a tropical tree, related to the coffee plant, that grows in Southeast Asia (Thailand, Malaysia, Indonesia, etc.).
- The leaves contain more than 40 active alkaloids. The primary alkaloids are:
 - a. Mitragynine: The most abundant alkaloid.
 - b. Speciociliatine
 - c. Paynantheine
 - d. Speciogynine



Use and Risks



Currently in Utah

- Kratom is sold in many forms such as powders, capsules, tablets, extracts, tinctures, and gummies.
- 7-hydroxy, Pseudoxyline and any other synthetically derived kratom alkaloids are illegal.



7-Hydroxymitragynine (7-OH)

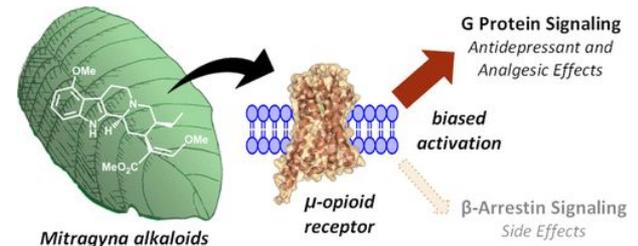
- **Presence in the Leaf:** It is found in very low concentrations in the raw Kratom leaf.
- **Metabolic Production:** Mitragynine can be metabolized into 7-OH in the body.
- **Potency:** has ~22-fold greater binding affinity than its parent compound, mitragynine.

Pseudoindoxyl

- **Presence in the Leaf:** It is not found in the leaf itself and can only be synthesized.
- **Metabolic Production:** It is created in the body as a metabolite of 7-OH.
- **Potency:** has ~119-fold greater binding affinity than mitragynine.

Potential Health Implications

- The opioid-like effects of these alkaloids, at higher doses/higher binding affinity, can lead to physical dependence and addiction. Withdrawal symptoms are similar to those of opioids.
- Cases of acute liver injury have been reported with Kratom use.
- Kratom can interact with other substances, which can lead to dangerous and unpredictable effects.



UDAF's Statute Recommendations



Separation of Retailers from Processors



Current

- 4-45-102(4)(a)(b)"Kratom processor" means a person who:
 - sells, prepares, or maintains a kratom product; or
 - advertises, represents, or holds oneself out as selling, preparing, or maintaining a kratom product.

Proposed

- "Kratom Distributor" means a person who:
 - sells a kratom product to a kratom retailer; or
 - advertises, represents, or holds oneself out as maintaining a kratom product.
- "Kratom Manufacturer" means a person who:
 - extracts, formulates, mixes, or white labels kratom products; or
 - advertises, represents, or holds oneself out as preparing a kratom product.
- "Kratom Retailer" means a person who:
 - sells a kratom product to an end consumer; or
 - advertises, represents, or holds oneself out as selling a kratom product to an end consumer.

Discussion



Kratom Retail Permit



Current

- 4-45-104 (5) A kratom processor shall register as a food establishment in accordance with Section 4-5-301.

Proposed

- A kratom distributor or manufacturer shall register as a food establishment in accordance with Section 4-5-301.
- A Kratom retailer shall obtain a kratom retail permit.

Discussion



Consider Adding Non-Food (topical)



Current

- 4-45-102(5) "Kratom product" mean food containing any part of a leaf of the plant *Mitragyna speciosa*.

Proposed

- "Kratom product" means:
 - a food item containing any part of a leaf of the plant *Mitragyna speciosa*;
 - or
 - a non-food item containing any part of a leaf of the plant *Mitragyna speciosa*.

Discussion



Ability to Participate in Other Markets



Current

- 4-45-104(4) A kratom processor may not prepare, distribute, sell, or offer for sale a kratom product that is not registered with the department in accordance with this chapter.

Proposed

- Do we want to allow distributors and manufacturers the ability to sell products that that can't be registered in Utah out of state?

Discussion



Kratom Product Composition and Limits



Current

- 4-45-104 (1) (a) (b) (c) (d) (e) A kratom processor may not prepare, distribute, sell, or offer for sale a kratom product:
 - 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;
 - that contains a poisonous or otherwise deleterious nonkratom ingredient, including a controlled substance as defined in Section 58-37-2;
 - containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 2% of the alkaloid composition of the kratom product;
 - containing a synthetic alkaloid, including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compound of the kratom plant; or
 - 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.

Proposed

- Set an upper limit on mitragynine (MIT) content in a product.
 - The 2% law allows more 7-hydroxymitragynine (7-OH) the more MIT is in the product.
- Specify alkaloid fraction as kratom alkaloids
 - A manufacturer could add other alkaloids to the product and then add more 7-OH.
- Add statutory restrictions on prohibited substances.
- Add statutory allowances on permitted substances.
 - Set limits on amount per serving for permitted additives.

Discussion



Kratom Product Labeling



Current

- 4-45-105 (1) A kratom processor may not distribute, sell, or offer for sale a kratom product to an individual under 18 years of age.
- 4-45-104 (1) (e) A kratom processor may not prepare, distribute, sell, or offer for sale a kratom product:(e) 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.
- 4-45-107 (2) (a) (b) (c) The rules described in Subsection (1) shall include standards for a registered kratom product, including standards for: (a) testing to ensure the product is safe for human consumption; (b) accurate labeling; and (c) any other issue the department considers necessary.

Proposed

- Expand to ensure labeling does not appeal to children.
- Expand to include serving size requirements
 - Many shot products (~15mL) have unreasonable serving sizes (3.75ml every 24hrs, refrigerate after opening)
- Expand to include required statements that the product may be habit forming and that it shouldn't be taken with alcohol or medications.

Discussion



Kratom Product Fines



Current

- 4-45-108 (3) (a) (b) The department shall: (a) set an administrative fine, larger than the fee described in Subsection (1), for a person who sells a kratom product that is not registered with the department; and (b) assess the fine described in Subsection (3)(a) against any person who offers an unregistered kratom product for sale in this state.

Proposed

- Expand to allow fines for additional violations in addition to the class C misdemeanor for products marketed toward children, 7-OH/Pseudo products and other violations as determined.

Discussion



Kratom Product Tax



Current

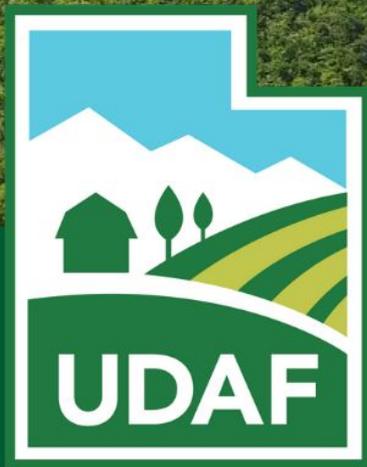
- The kratom program is paid for through product registration fees.
 - Enforcement funding is inadequate under this model.
- A tax on cannabinoid products was put in place during the 2024 Legislative Session-implementation has been slow.
 - The hemp program needs 1.4 million a year and in 6 months in FY 2025 64k was collected.

Proposed

- Change the Industrial Hemp tax to a “Specialized Products” tax.
 - Ensure tax can be collected on online and out-of-state sales.
- The new tax would generally follow the same structure as the Industrial Hemp tax.
 - Phase out registration fee over a few years to ensure program is adequately funded.

Discussion





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THANK YOU
Specialized Products Division

- **National Institute on Drug Abuse (NIDA):** Provides a comprehensive overview of what kratom is, its uses, its effects, and ongoing research.
 - Source: National Institute on Drug Abuse. (2023). *Kratom*. <https://nida.nih.gov/research-topics/kratom>
- **Drug Enforcement Administration (DEA):** Offers a fact sheet detailing the background, methods of use, and effects of kratom.
 - Source: Drug Enforcement Administration. (n.d.). *Kratom*. DEA.gov. <https://www.dea.gov/factsheets/kratom>
- **Mayo Clinic:** Provides accessible information on why people use kratom, especially in the context of opioid withdrawal, and discusses safety concerns.
 - Source: Mayo Clinic. (2021). *Kratom for opioid withdrawal: Does it work?* <https://www.mayoclinic.org/diseases-conditions/prescription-drug-abuse/in-depth/kratom-opioid-withdrawal/art-20402170>
- **U.S. Food and Drug Administration (FDA):** The FDA has issued specific warnings and press releases regarding 7-OH, highlighting its potency and the dangers of concentrated products. These are crucial for understanding the regulatory perspective and the risks of enhanced products.
 - Source: U.S. Food and Drug Administration. (2025, July 15). *FDA Issues Warning Letters to Firms Marketing Products Containing 7-Hydroxymitragynine*. <https://www.fda.gov/news-events/press-announcements/fda-issues-warning-letters-firms-marketing-products-containing-7-hydroxymitragynine>
- **Scientific Journals (ACS Publications & PubMed Central):** Peer-reviewed research articles provide the scientific basis for understanding the pharmacology of these compounds, including their potency and metabolic pathways.
 - Source: Kruegel, A. C., et al. (2019). 7-Hydroxymitragynine Is an Active Metabolite of Mitragynine and a Key Mediator of Its Analgesic Effects. *ACS Central Science*. <https://pmc.ncbi.nlm.nih.gov/articles/PMC6598159/>
 - Source: Obeng, S., et al. (2020). Metabolism of a Kratom Alkaloid Metabolite in Human Plasma Increases Its Opioid Potency and Efficacy. *ACS Pharmacology & Translational Science*. <https://pmc.ncbi.nlm.nih.gov/articles/PMC7737207/>
- **U.S. Food and Drug Administration (FDA):** In addition to warnings about specific compounds, the FDA provides broader public health advisories on the risks associated with kratom use.
 - Source: U.S. Food and Drug Administration. (n.d.). *FDA and Kratom*. <https://www.fda.gov/news-events/public-health-focus/fda-and-kratom>
- **Peer-Reviewed Clinical Reviews:** Numerous case studies and reviews published in medical journals document the potential for kratom-induced liver injury and dependence.
 - Source: Pantano, F., et al. (2016). Hepatotoxicity Induced by "the Legal High" Kratom. *World Journal of Hepatology*.
 - Source: Singh, D., et al. (2019). Kratom (*Mitragyna speciosa*) dependence, withdrawal symptoms and craving in regular users. *Journal of Psychoactive Drugs*.
- **Utah Department of Agriculture and Food (UDAF):** As the regulatory body, the UDAF website is the primary source for the specific rules, registration requirements, and implementation details of the Utah Kratom Consumer Protection Act.
 - Source: Utah Department of Agriculture and Food. (n.d.). *Kratom*. <https://ag.utah.gov/kratom/>
- **Utah State Legislature:** The official text of the legislation (Utah Code Title 4, Chapter 45) provides the legal foundation for the regulations.
 - Source: Utah State Legislature. (n.d.). *Title 4, Chapter 45: Kratom Consumer Protection Act*. <https://le.utah.gov/xcode/Title4/Chapter45/4-45.html>

