

Effective 5/6/2026

Chapter 45

Kratom Regulation Act

4-45-102 Definitions.

As used in this chapter:

- (1) "Kratom extract" means a preparation containing any part of the *Mitragyna speciosa* plant in a concentrated form.
- (2) "Kratom processor" means a person who prepares, processes, manufactures, or distributes a kratom product.
- (3) "Kratom product" means a product containing any part of a leaf of the plant *Mitragyna speciosa*.
- (4) "Kratom retailer" means a person who sells a kratom product for retail sale in the state.
- (5) "Pure leaf kratom" means a kratom product that:
 - (a) is identifiable as plant matter or is identifiable plant matter contained in an encapsulating agent described in Subsection (5)(b);
 - (b) is not mixed or packed with a nonkratom substance unless the nonkratom substance is an inert encapsulating agent that:
 - (i) is composed of food-grade or pharmaceutical-grade materials with no pharmacological activity;
 - (ii) contains no psychoactive substances, stimulants, or adulterants; and
 - (iii) serves solely to contain or deliver the plant matter;
 - (c) does not contain any kratom extract; and
 - (d) does not contain 7-hydroxymitragynine at a level greater than 0.4% of the total kratom alkaloid composition of the product.
- (6) "Total kratom alkaloid composition" means the total amount of all alkaloids derived from the *Mitragyna speciosa* plant.

Amended by Chapter 480, 2026 General Session

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

- (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 product as a kratom product.
- (2) For a violation of Subsection (1), a kratom processor is subject to an administrative fine up to \$5,000.
- (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.

Amended by Chapter 480, 2026 General Session

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

- (1) A kratom processor or kratom retailer may not prepare, possess, distribute, sell, or offer for sale a kratom product that:
 - (a) is not pure leaf kratom; and
 - (b) 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.

- (2) A kratom processor or kratom retailer who violates Subsection (1) is guilty of:
 - (a) a class B misdemeanor for the first violation;
 - (b) a class A misdemeanor for a second violation; and
 - (c) a third degree felony for any subsequent violation.
- (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.
- (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.
 - (b) A kratom retailer shall register with the department as a kratom retailer.
 - (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.
 - (d) The department shall set a fee to register the following:
 - (i) a kratom processor; and
 - (ii) a kratom retailer.
 - (e) The department shall:
 - (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
 - (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.
- (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:
 - (a) is not offered for retail sale or distribution in this state;
 - (b) is manufactured and distributed for lawful sale in another state; and
 - (c) does not contain 7-hydroxymitragynine at a level greater than 0.4% of the total kratom alkaloid composition of the product.

Amended by Chapter 362, 2026 General Session

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

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

Amended by Chapter 480, 2026 General Session

4-45-106 Civil action available.

In addition to and distinct from any other remedy at law, an individual may bring a civil action, in a competent court of jurisdiction, for damages resulting from a violation of this chapter, including economic, noneconomic, or consequential damages.

Enacted by Chapter 329, 2019 General Session

4-45-107 Rulemaking.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for the administration and enforcement of this chapter.
- (2) 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.

Enacted by Chapter 329, 2019 General Session

Superseded 1/1/2027

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

- (1) The department shall set a fee to register a kratom product, in accordance with Section 4-2-103.
- (2) The fee described in Subsection (1) may be paid by any person, but a kratom product may not be registered with the department until the fee is paid.
- (3) The department shall:
 - (a) set an administrative fine not to exceed \$5,000 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.
- (4) The department may seize and destroy any unregistered kratom product offered for sale in this state.

Amended by Chapter 480, 2026 General Session

Effective 1/1/2027

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

- (1) Until January 1, 2029, the department may set a fee to register a kratom product, in accordance with Section 4-2-103.
- (2) The fee described in Subsection (1) may be paid by any person, but a kratom product may not be registered with the department until the fee is paid.
- (3) The department:
 - (a) shall set an administrative fine not to exceed \$5,000 for a person who sells a kratom product that is not registered with the department; and
 - (b) may assess the fine described in Subsection (3)(a) against any person who offers an unregistered kratom product for sale in this state; and
 - (c) may take an administrative action against any person who offers an unregistered kratom product for sale in this state.
- (4) The department may seize and destroy any unregistered kratom product offered for sale in this state.
- (5) The department shall share information the department has obtained regarding persons that sell kratom products with the State Tax Commission upon request.

Amended by Chapter 482, 2026 General Session