

ENROLLED ACT NO. 44, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

AN ACT relating to food and drugs; regulating the sale, testing and use of kratom products as specified; authorizing the department of health and local law enforcement to enforce compliance with kratom product regulation as specified; providing definitions; providing criminal penalties; providing appropriations; authorizing full-time positions; and providing for effective dates.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-7-2201 through 35-7-2203 are created to read:

ARTICLE 22
KRATOM PRODUCT REGULATION

35-7-2201. Definitions.

(a) As used in this act:

(i) "Adulterated" means the addition of a controlled substance, a synthesized alkaloid or semi-synthesized alkaloid into a kratom product;

(ii) "Alkaloid fraction" means a portion of a plant or plant extract that contains primarily alkaloid compounds;

(iii) "Controlled substance" means as defined by W.S. 35-7-1002(a)(iv);

(iv) "Kratom leaf" means the leaf of the mitragyna speciosa plant in fresh, dehydrated or dried form;

ENROLLED ACT NO. 44, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

(v) "Kratom leaf extract" means the material extracted from a kratom leaf through the application of a solvent consisting of water, ethanol, food-grade carbon dioxide or another solvent allowed by federal or state law to be used in the manufacturing of a food ingredient;

(vi) "Kratom product" means a food or dietary supplement that consists of or contains any part of the kratom leaf, kratom leaf extract or any kratom alkaloid, kratom constituent or kratom metabolite. "Kratom product" shall not include any synthesized alkaloid or semi-synthesized alkaloid;

(vii) "Retailer" means a business of any kind at a specific location that sells kratom products to a user or consumer;

(viii) "Semi-synthesized alkaloid" means an alkaloid or alkaloid derivative contained in kratom leaf extract that has been exposed to chemicals or processes that would confer a structural change in the alkaloids, including but not limited to oxidation, reduction and ring opening and closing, resulting in material that has been chemically altered;

(ix) "Synthesized alkaloid" means an alkaloid or alkaloid derivative of the kratom leaf that has been created by chemical synthesis or biosynthetic means, including fermentation, recombinant techniques, yeast-derived techniques and enzymatic techniques. "Synthesized alkaloid" shall not include an alkaloid or alkaloid derivative of the kratom leaf that has been created by traditional food preparation techniques, including but not limited to heating or extracting;

ENROLLED ACT NO. 44, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

(x) "This act" means W.S. 35-7-2201 through 35-7-2203.

35-7-2202. Kratom product regulation; penalties.

(a) A person is guilty of a violation of this act if the person:

(i) Knowingly prepares, distributes, delivers, advertises, sells or offers for sale a kratom product:

(A) That is adulterated;

(B) To a person less than twenty-one (21) years of age;

(C) That contains a level of 7-hydromitragynine in the alkaloid fraction that is greater than two percent (2%) of the alkaloid composition of the kratom product;

(D) That is a confection, mimics a candy product or is manufactured, packaged, labeled or distributed in a way that is appealing to children, including in the distinct shape of a human, animal or fruit; or

(E) That is combustible or intended for vaporization.

(ii) Knowingly prepares, distributes, delivers, advertises, sells or offers for sale a kratom product that does not have a label that clearly and conspicuously states on each retail package:

ENROLLED ACT NO. 44, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

(A) The name and address for the place of business of the manufacturer or distributor of the kratom product;

(B) The full list of ingredients of the kratom product;

(C) Disclosure and advice:

(I) Against use by persons who are less than twenty-one (21) years of age, pregnant or breastfeeding;

(II) To consult a health care provider prior to use;

(III) That the use of kratom products may be habit forming;

(IV) That kratom products may interact with certain medications, drugs and controlled substances.

(D) The following statements:

(I) "These statements have not been evaluated by the United States food and drug administration. This product is not intended to diagnose, treat, cure or prevent any disease."; and

(II) "Keep out of reach of children."

(E) Directions for use that include:

(I) A recommended amount of the kratom product per serving;

ENROLLED ACT NO. 44, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

(II) The number of recommended servings per package;

(III) A recommended number of servings of the kratom product that can be safely consumed in a twenty-four (24) hour period; and

(IV) Quantitative declarations of the amounts of mitragynine and 7-hydroxymitragynine per serving of the kratom product.

(iii) Displays or stores kratom products in a retail location in a manner that would permit the products to be accessed by persons less than twenty-one (21) years of age; or

(iv) Manufactures, packages, distributes or labels a kratom product or delivers a kratom product to a person less than twenty-one (21) years of age that:

(A) Contains synthesized alkaloids or semi-synthesized alkaloids; or

(B) Has a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than two percent (2%) of the alkaloid composition of the product.

(b) A violation of this act is a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both.

(c) The state chemist shall, pursuant to W.S. 35-7-201 and when requested by law enforcement or the

ENROLLED ACT NO. 44, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

department of health, analyze kratom products to determine whether the requirements of paragraphs (a)(i) and (iv) of this section are being followed.

(d) Any retailer violating this act for a third or subsequent time within a two (2) year period may be subject to an injunction. The department of health or the district attorney of the county in which the offense occurred may petition the district court for an injunction to prohibit the sale of kratom products in the establishment where the violation occurred. If a court finds that the retailer in the action has violated the provisions of this act for a third or subsequent time within a two (2) year period and may continue to violate this act, it may grant an injunction prohibiting the retailer from selling kratom products in the establishment where the violation occurred for a period of not more than one hundred eighty (180) days. For the purposes of this subsection, multiple violations occurring before the petition for the injunction is filed shall be deemed part of the violation for which the injunction is sought. If the person against whom the injunction is sought operates multiple, geographically separate establishments, the injunction shall apply only to the establishment where the violation occurred. The injunction shall prohibit all sales of kratom products in the establishment where the violation occurred, regardless of any change in ownership or management of the establishment that is not a bona fide, arms length transaction while the injunction is in effect.

(e) It is an affirmative defense to a prosecution under this act that, in the case of a sale, the retailer who sold the kratom product was presented with, and reasonably relied upon, an identification card which

ENROLLED ACT NO. 44, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

identified the person buying or receiving the kratom product as being over twenty-one (21) years of age.

(f) Notwithstanding the provisions of this act, no fine for a violation of subsection (a) of this section shall be imposed for a first offense in any twenty-four (24) month period if a retailer can show it has:

(i) Adopted and enforced a written policy against selling kratom products to persons under the age of twenty-one (21) years;

(ii) Informed its employees of the applicable laws regarding the sale of kratom products to persons under the age of twenty-one (21) years;

(iii) Required employees to verify the age of kratom product customers by way of photographic identification or by means of electronic transaction scan device; and

(iv) Established and imposed disciplinary sanctions for noncompliance.

35-7-2203. Compliance inspections.

(a) The department of health, working with local law enforcement agencies and other local persons and organizations at the discretion of the department, shall be the lead agency to ensure compliance with this act.

(b) The department of health shall develop strategies to coordinate and support local law enforcement efforts to enforce all state statutes relating to the prohibition of

ENROLLED ACT NO. 44, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

the sale of kratom products to persons under twenty-one (21) years of age.

(c) The department of health shall have discretion to:

(i) Work with each local law enforcement agency within the state; and

(ii) Coordinate local enforcement efforts that appropriately reflect the needs of the community.

(d) To coordinate the enforcement of state statutes relating to the prohibition of the sale of kratom products to persons under twenty-one (21) years of age and to comply with applicable federal law, the department of health shall have authority to contract with or provide grants to local law enforcement agencies or other local persons or entities having the appropriate level of enforcement authority on the local level to conduct random, unannounced inspections at retail locations where kratom products are sold. The local law enforcement agencies or other local persons or entities authorized to conduct inspections shall be permitted to use minors and persons under twenty-one (21) years of age subject to the following:

(i) Prior to the inspection, the local law enforcement agency or other authorized person shall obtain the written consent of the person being used in the inspection or if using a minor, the written consent of the minor's parents or guardian shall be obtained prior to the minor participating in an inspection. The written consent required under this paragraph shall include a notification that testimony in a subsequent court proceeding may be required;

ENROLLED ACT NO. 44, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

(ii) Any person under twenty-one (21) years of age participating in an inspection shall, if questioned, state his true age and that he is less than twenty-one (21) years of age;

(iii) The appearance of a person under twenty-one (21) years of age shall not be altered to make the person appear to be twenty-one (21) years of age or older;

(iv) Neither a minor nor the minor's parents or guardians shall be coerced into participating in such inspections;

(v) The person conducting the inspection shall photograph the participant immediately before the inspection and any photographs taken of the participant shall be retained by the person conducting the inspection.

(e) The person conducting an inspection under this section shall:

(i) Remain within sight or sound of the participant attempting to make the purchase;

(ii) After an inspection is complete, immediately inform in writing a representative or agent of the business establishment that an inspection has been performed and the results of the inspection;

(iii) Within two (2) days, prepare a report of the inspection containing:

ENROLLED ACT NO. 44, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

(A) The name of the person who supervised the inspection;

(B) The age and date of birth of the participant who assisted in the inspection;

(C) The name and position of the person from whom the participant attempted to purchase kratom products;

(D) The name and address of the establishment inspected;

(E) The date and time of the inspection;
and

(F) The results of the inspection, including whether the inspection resulted in the sale or distribution of, or offering for sale, kratom products to a person under twenty-one (21) years of age.

(iv) Immediately upon completion of the report required under this subsection, provide a copy of the report to a representative or agent of the business establishment that was inspected;

(v) Request a law enforcement officer to issue a citation for any illegal acts relating to providing kratom products to persons under twenty-one (21) years of age during the inspection.

Section 2. There is appropriated one hundred fifteen thousand dollars (\$115,000.00) from opioid settlement funds distributed to the department of health or, if opioid settlement funds are not available for that purpose, then

ENROLLED ACT NO. 44, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

from the general fund to the department of health for the purpose of implementing this act. This appropriation shall be for the period beginning July 1, 2026 and ending June 30, 2028. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2028. It is the intent of the legislature that this appropriation be included in the standard budget for the department of health for the immediately succeeding fiscal biennium.

Section 3.

(a) The department of agriculture is authorized one (1) full-time employee for the purpose of testing kratom products as required by this act. There is appropriated one hundred ninety-seven thousand five hundred forty dollars (\$197,540.00) from opioid settlement funds distributed to the department of health or, if opioid settlement funds are not available for that purpose, then from the general fund to the department of agriculture for the salary and benefits of the position created by this subsection. This appropriation shall be for the period beginning July 1, 2026 and ending June 30, 2028. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law. It is the intent of the legislature that this appropriation and this position be included in the department of agriculture's standard budget for the immediately succeeding fiscal biennium.

(b) There is appropriated twenty-four thousand dollars (\$24,000.00) from opioid settlement funds distributed to the department of health or, if opioid

ENROLLED ACT NO. 44, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

settlement funds are not available for that purpose, then from the general fund to the department of agriculture to purchase equipment necessary for the testing of kratom products as required by this act. This appropriation shall be for the period beginning July 1, 2026 and ending June 30, 2028. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law. It is the intent of the legislature that this appropriation be included in the department of agriculture's standard budget for the immediately succeeding fiscal biennium.

Section 4. The department of health and the department of agriculture shall promulgate all rules necessary to implement this act.

ORIGINAL SENATE
FILE NO. SF0056

ENGROSSED

ENROLLED ACT NO. 44, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2026 BUDGET SESSION

Section 5.

(a) Except as provided by subsection (b) of this section, this act is effective July 1, 2026.

(b) Sections 4 and 5 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk