

HOUSE BILL NO. HB0185

Kratom-prohibition.

Sponsored by: Representative(s) Ottman

A BILL

for

1 AN ACT relating to public health and safety; prohibiting
2 the manufacture, sale, distribution or possession of kratom
3 products; making legislative findings; providing criminal
4 penalties; providing exemptions; requiring rulemaking;
5 making conforming amendments; providing appropriations;
6 providing positions; and providing for effective dates.

7

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

9

10 **Section 1.**

11

12 (a) The legislature finds that:

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14 (i) The United States drug enforcement
15 administration lists kratom, or *mitragyna speciosa*, as a
16 drug and chemical of concern;

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2 (ii) The United States food and drug
3 administration has recommended federal scheduling for
4 7-hydroxymitragynine, a concentrated kratom alkaloid;

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6 (iii) The centers for disease control and the
7 food and drug administration recently documented a
8 forty-one (41) state salmonella outbreak linked to kratom
9 products;

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11 (iv) Emerging data shows rising emergency
12 medical services encounters and poison control center
13 encounters involving kratom products.

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15 **Section 2.** W.S. 35-7-2201 through 35-7-2206 are
16 created to read:

17

18 ARTICLE 22

19 KRATOM PRODUCT PROHIBITION

20

21 **35-7-2201. Short title.**

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1 This act shall be known and may be cited as the "Kratom
2 Product Prohibition Act."

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4 **35-7-2202. Definitions.**

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6 (a) As used in this article:

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8 (i) "Concentrated kratom alkaloid" means
9 mitragynine or 7-hydroxymitragynine that is isolated,
10 synthesized, semi-synthesized or present above naturally
11 occurring mitragyna speciosa plant levels;

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13 (ii) "Kratom" means any part of the plant
14 mitragyna speciosa in any form and any product marketed,
15 sold or represented as containing mitragyna speciosa;

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17 (iii) "Kratom product" means any item containing
18 kratom or a concentrated kratom alkaloid that is meant for
19 human consumption;

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21 (iv) "Research institution" means a university
22 or laboratory approved by an institutional review board.

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1 **35-7-2203. Prohibited acts.**

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3 No person shall knowingly manufacture, sell, distribute or
4 possess a kratom product.

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6 **35-7-2204. Exemptions.**

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8 (a) The following entities are exempt from the
9 prohibitions under W.S. 35-7-2203:

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11 (i) Research institutions;

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13 (ii) Law enforcement and forensic laboratories
14 that conduct testing on kratom products.

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16 **35-7-2205. Penalties.**

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18 (a) A person who violates W.S. 35-7-2203:

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20 (i) For a first offense, is guilty of a
21 misdemeanor punishable by imprisonment for not more than
22 six (6) months, a fine of not more than seven hundred fifty
23 dollars (\$750.00), or both;

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2 (ii) For a second or subsequent offense, is
3 guilty of a misdemeanor punishable by imprisonment for not
4 more than one (1) year, a fine of not more than one
5 thousand dollars (\$1,000.00), or both.

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7 (b) Each manufacture, sale, distribution or
8 possession of a kratom product shall be considered a
9 separate offense under this section.

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11 **35-7-2206. Seizure and forfeiture.**

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13 Kratom products shall be considered contraband and shall be
14 subject to forfeiture in the same manner as provided by
15 W.S. 35-7-1049.

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17 **Section 3.** W.S. 35-7-1049(a) by creating a new
18 paragraph (ix) is amended to read:

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20 **35-7-1049. Forfeitures and seizures generally;**
21 **property subject to forfeiture.**

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23 (a) The following are subject to forfeiture:

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(ix) Kratom products, as defined by W.S. 35-7-2202(a)(iii), and all raw materials, products and equipment of any kind that are used, or intended for use, in manufacturing, processing, delivering, importing or exporting any kratom products.

Section 4.

(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 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

1 department of agriculture's standard budget for the
2 immediately succeeding fiscal biennium.

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4 (b) There is appropriated twenty-four thousand
5 dollars (\$24,000.00) from the general fund to the
6 department of agriculture to purchase equipment necessary
7 for the testing of kratom products as required by this act.
8 This appropriation shall be for the period beginning July
9 1, 2026 and ending June 30, 2028. These funds shall not be
10 transferred or expended for any other purpose and any
11 unexpended, unobligated funds remaining from this
12 appropriation shall revert as provided by law. It is the
13 intent of the legislature that this appropriation be
14 included in the department of agriculture's standard budget
15 for the immediately succeeding fiscal biennium.

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17 **Section 5.** The department of agriculture, in
18 consultation with the attorney general, shall promulgate
19 all rules necessary to implement this act.

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1 **Section 6.**

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

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6 (b) Sections 5 and 6 of this act are effective
7 immediately upon completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

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(END)