

SENATE FILE NO. SF0056

## Kratom product regulation.

Sponsored by: Senator(s) Landen, Brennan, Crago and  
Nethercott and Representative(s) Clouston,  
Harshman and Yin

A BILL

for

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

8

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

10

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

13

14 ARTICLE 22

15 KRATOM PRODUCT REGULATION

1

2       **35-7-2201. Definitions.**

3

4       (a) As used in this act:

5

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

9

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

13

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

16

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

20

21              (v) "Kratom leaf extract" means the material  
22 extracted from a kratom leaf through the application of a  
23 solvent consisting of water, ethanol, food-grade carbon

1 dioxide or another solvent allowed by federal or state law  
2 to be used in the manufacturing of a food ingredient;

3

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

10

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

14

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

22

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

10

11 (x) "This act" means W.S. 35-7-2201 through  
12 35-7-2203.

13

14 35-7-2202. Kratom product regulation; penalties.

15

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

18

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

21

22 (A) That is adulterated;

23

3

4 (C) That contains a level of  
5 7-hydromitragynine in the alkaloid fraction that is greater  
6 than two percent (2%) of the alkaloid composition of the  
7 kratom product;

8

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

14

15 (E) That is combustible or intended for  
16 vaporization.

17

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

22

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

4

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

7

8 (C) Disclosure and advice:

9

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

13

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

16

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

19

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

22

23 (D) The following statements:

1

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

6

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

8

9 (E) Directions for use that include:

10

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

13

14 (II) The number of recommended  
15 servings per package;

16

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

20

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

1

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

6

7 (iv) Manufactures, packages, distributes or  
8 labels a kratom product that:

9

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

12

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

16

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

21

22 (c) The state chemist shall, pursuant to W.S.  
23 35-7-201 and when requested by law enforcement or the

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

4

5 (d) Any retailer violating this act for a third or  
6 subsequent time within a two (2) year period may be subject  
7 to an injunction. The department of health or the district  
8 attorney of the county in which the offense occurred may  
9 petition the district court for an injunction to prohibit  
10 the sale of kratom products in the establishment where the  
11 violation occurred. If a court finds that the retailer in  
12 the action has violated the provisions of this act for a  
13 third or subsequent time within a two (2) year period and  
14 may continue to violate this act, it may grant an  
15 injunction prohibiting the retailer from selling kratom  
16 products in the establishment where the violation occurred  
17 for a period of not more than one hundred eighty (180)  
18 days. For the purposes of this subsection, multiple  
19 violations occurring before the petition for the injunction  
20 is filed shall be deemed part of the violation for which  
21 the injunction is sought. If the person against whom the  
22 injunction is sought operates multiple, geographically  
23 separate establishments, the injunction shall apply only to

1 the establishment where the violation occurred. The  
2 injunction shall prohibit all sales of kratom products in  
3 the establishment where the violation occurred, regardless  
4 of any change in ownership or management of the  
5 establishment that is not a bona fide, arms length  
6 transaction while the injunction is in effect.

7

8 (e) It is an affirmative defense to a prosecution  
9 under this act that, in the case of a sale, the retailer  
10 who sold the kratom product was presented with, and  
11 reasonably relied upon, an identification card which  
12 identified the person buying or receiving the kratom  
13 product as being over twenty-one (21) years of age.

14

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

19

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

23

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

4

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

9

10 (iv) Established and imposed disciplinary  
11 sanctions for noncompliance.

12

13 35-7-2203. Compliance inspections.

14

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

19

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

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

3

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

6

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

9

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

12

13 (d) To coordinate the enforcement of state statutes  
14 relating to the prohibition of the sale of kratom products  
15 to persons under twenty-one (21) years of age and to comply  
16 with applicable federal law, the department of health shall  
17 have authority to contract with or provide grants to local  
18 law enforcement agencies or other local persons or entities  
19 having the appropriate level of enforcement authority on  
20 the local level to conduct random, unannounced inspections  
21 at retail locations where kratom products are sold. The  
22 local law enforcement agencies or other local persons or  
23 entities authorized to conduct inspections shall be

1 permitted to use minors and persons under twenty-one (21)  
2 years of age subject to the following:

3

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

13

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

18

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

23

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

4

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

9

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

12

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

15

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

20

23

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

3

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

6

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

10

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

13

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

15 and

16

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

21

22 (iv) Immediately upon completion of the report  
23 required under this subsection, provide a copy of the

1 report to a representative or agent of the business  
2 establishment that was inspected;

3

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

8

9 **Section 2.** There is appropriated one hundred fifteen  
10 thousand dollars (\$115,000.00) from the general fund to the  
11 department of health for the purpose of implementing this  
12 act. This appropriation shall be for the period beginning  
13 July 1, 2026 and ending June 30, 2028. This appropriation  
14 shall not be transferred or expended for any other purpose  
15 and any unexpended, unobligated funds remaining from this  
16 appropriation shall revert as provided by law on June 30,  
17 2028. It is the intent of the legislature that this  
18 appropriation be included in the standard budget for the  
19 department of health for the immediately succeeding fiscal  
20 biennium.

21

22 **Section 3.**

23

1                   (a) The department of agriculture is authorized one  
2                   (1) full-time employee for the purpose of testing kratom  
3 products as required by this act. There is appropriated one  
4 hundred ninety-seven thousand five hundred forty dollars  
5 (\$197,540.00) from the general fund to the department of  
6 agriculture for the salary and benefits of the position  
7 created by this subsection. This appropriation shall be for  
8 the period beginning July 1, 2026 and ending June 30, 2028.  
9 This appropriation shall not be transferred or expended for  
10 any other purpose and any unexpended, unobligated funds  
11 remaining from this appropriation shall revert as provided  
12 by law. It is the intent of the legislature that this  
13 appropriation and this position be included in the  
14 department of agriculture's standard budget for the  
15 immediately succeeding fiscal biennium.

16

17                   (b) There is appropriated twenty-four thousand  
18 dollars (\$24,000.00) from the general fund to the  
19 department of agriculture to purchase equipment necessary  
20 for the testing of kratom products as required by this act.  
21 This appropriation shall be for the period beginning July  
22 1, 2026 and ending June 30, 2028. These funds shall not be  
23 transferred or expended for any other purpose and any

1 unexpended, unobligated funds remaining from this  
2 appropriation shall revert as provided by law. It is the  
3 intent of the legislature that this appropriation be  
4 included in the department of agriculture's standard budget  
5 for the immediately succeeding fiscal biennium.

6

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

10

11 **Section 5.**

12

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

15

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

20

21 (END)