



State Laws Addressing Kratom and 7-OH: A National Overview

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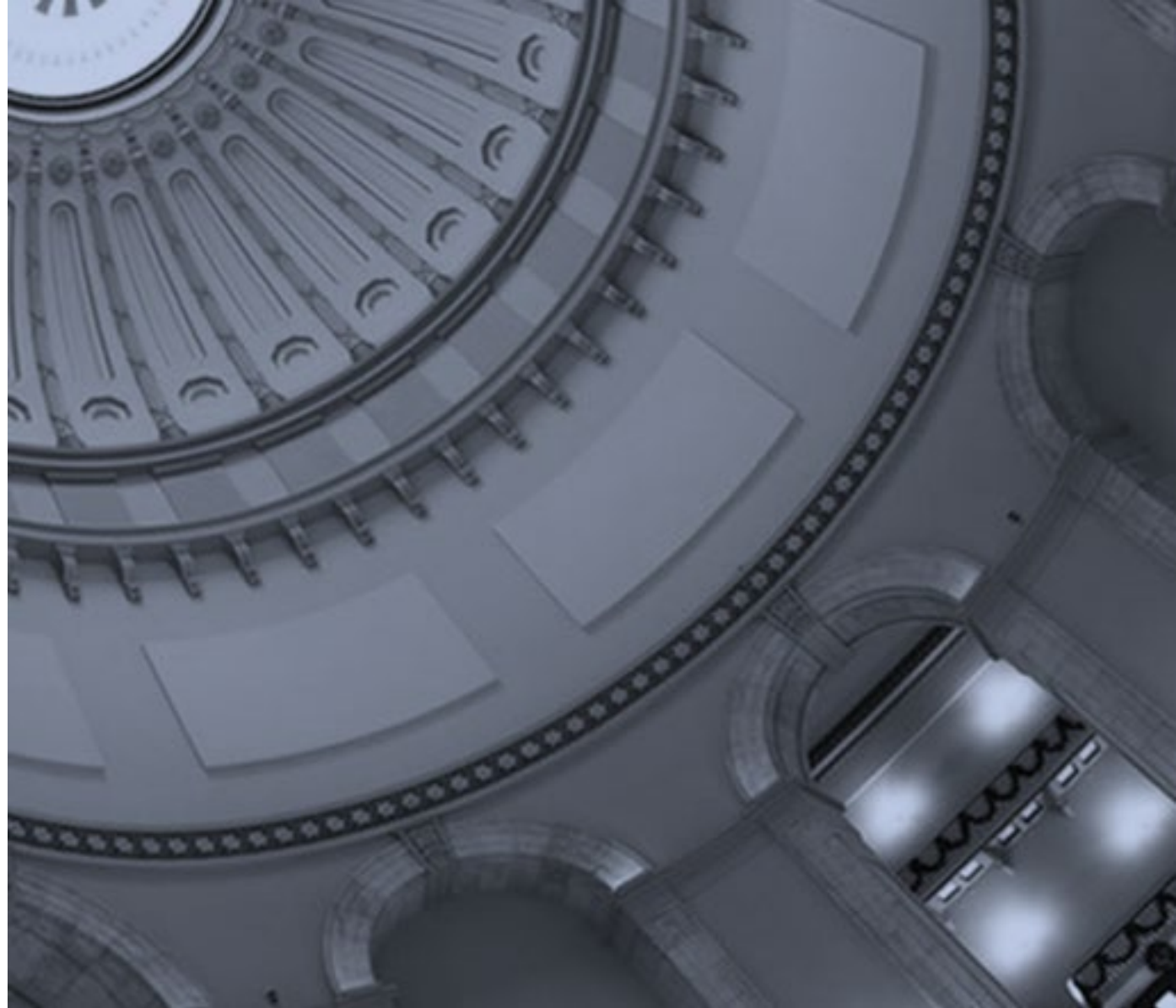
Montana Law and Justice Interim Committee

March 6, 2026



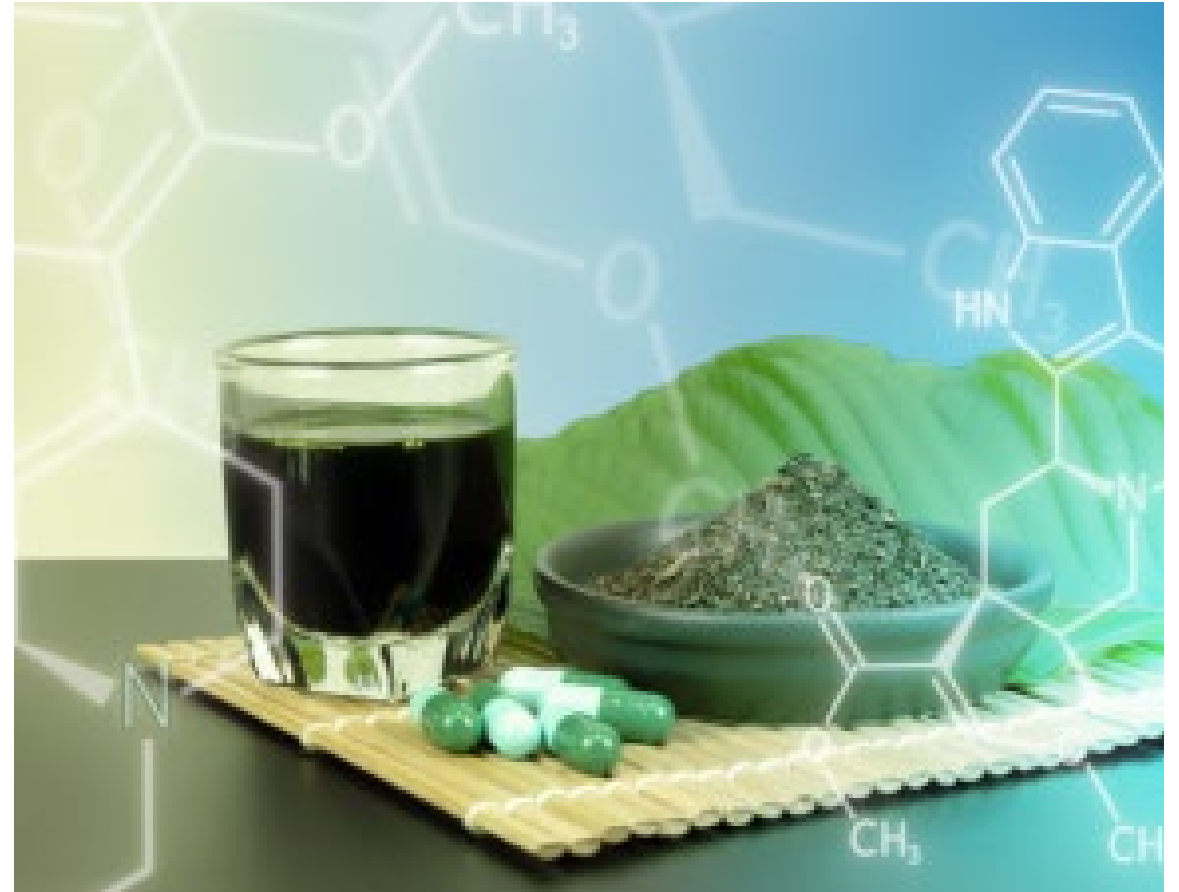
Who is NCSL?

- Non-profit, bi-partisan organization.
- Members are all 7,386 legislators and 30,000 legislative staff in 50 states, D.C. and U.S. territories.
- Offices in Denver and D.C.
- Among our goals– to provide legislatures with information and research about policy issues, both state and federal.
- NCSL tracks state policy in all public policy areas.



What are Kratom and 7-OH?

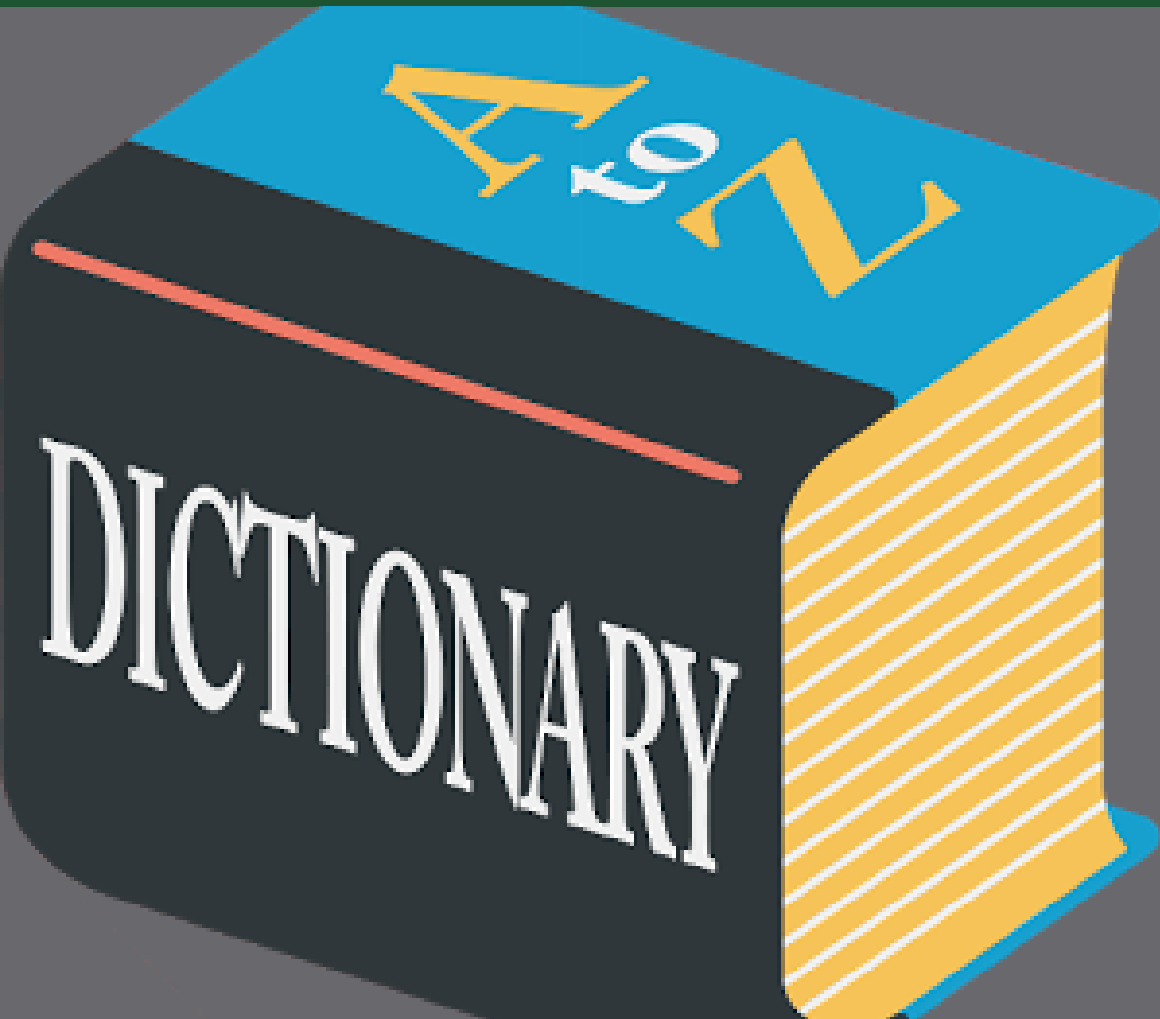
- **Kratom:**
 - Derived from leafy Southeast Asian tree known as *Mitrayna speciosa*
 - Over 50 alkaloids in the plant, but most abundant:
 - Mitragynine
 - 7-hydroxymitragynine (7-OH)
 - Bind to opioid receptors in the brain to produce opioid-like effects in high doses and stimulant effects in small doses.



Source: FDA



Commonly Defined Terms



- “Kratom product”
- “Alkaloid fraction”
- “Kratom leaf”
- “Kratom leaf extract”
- “synthesized alkaloid”
- “Food establishment”
- “Self-service merchandising”
- “Adulterated”
- “Processor”
- “Retailer”
- “Synthetic drug”
- “Mitragynine speciosa”
- 7-OH

Federal Overview



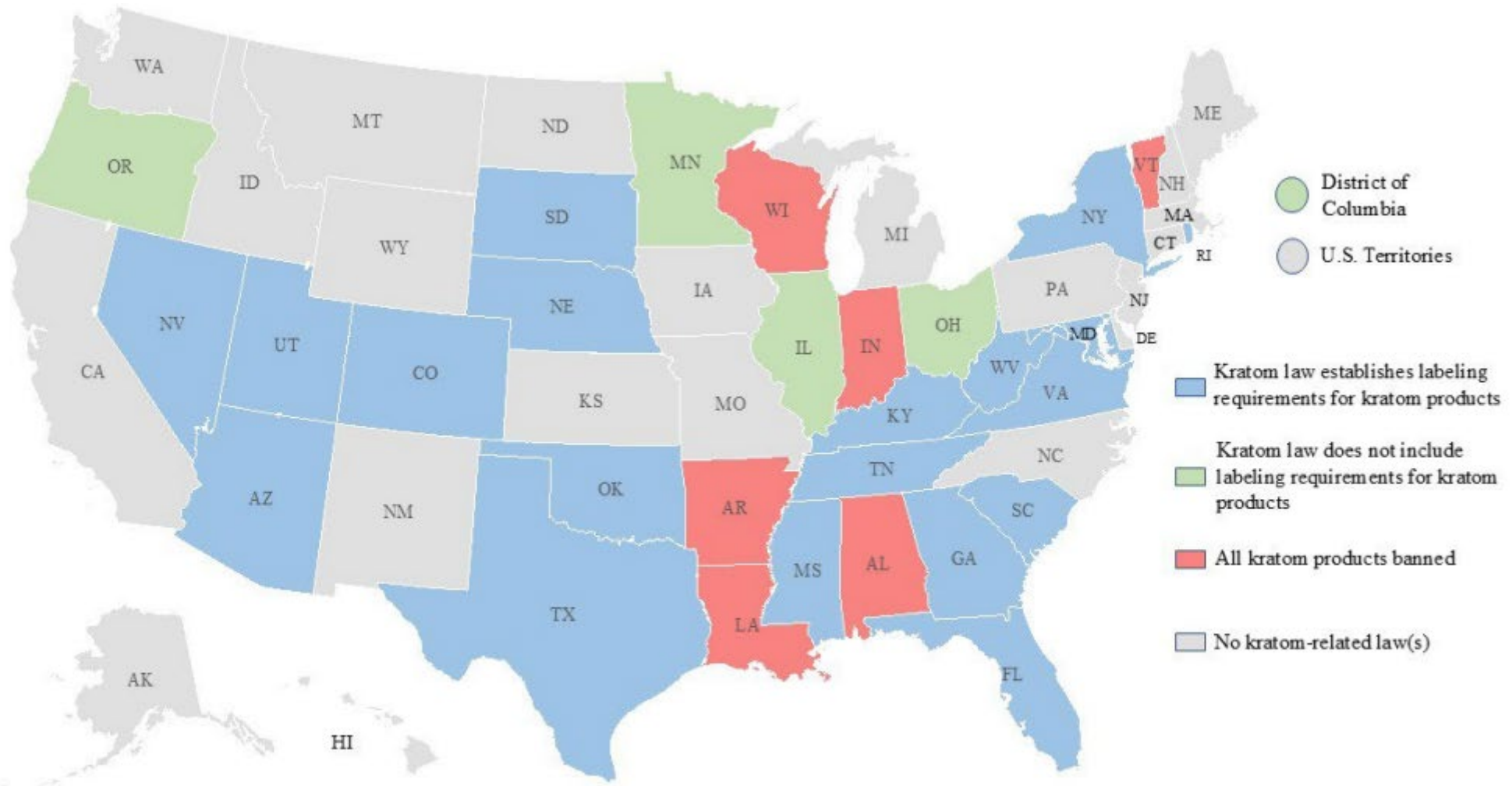
U.S. Food and Drug Administration

Protecting and Promoting Your Health

- **No explicit statutory governance**
- **Food and Drug Administration**
 - Kratom is not appropriate for use as a dietary supplement because there is inadequate scientific information to provide the agency with reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury
 - Foods and supplements that contain kratom are considered adulterated
 - Primarily focused on 7-OH
 - Especially concerned with 7-OH products that are available at retail locations and may appear appealing to children or not be clearly or accurately labeled
 - Kratom is *not* the focus

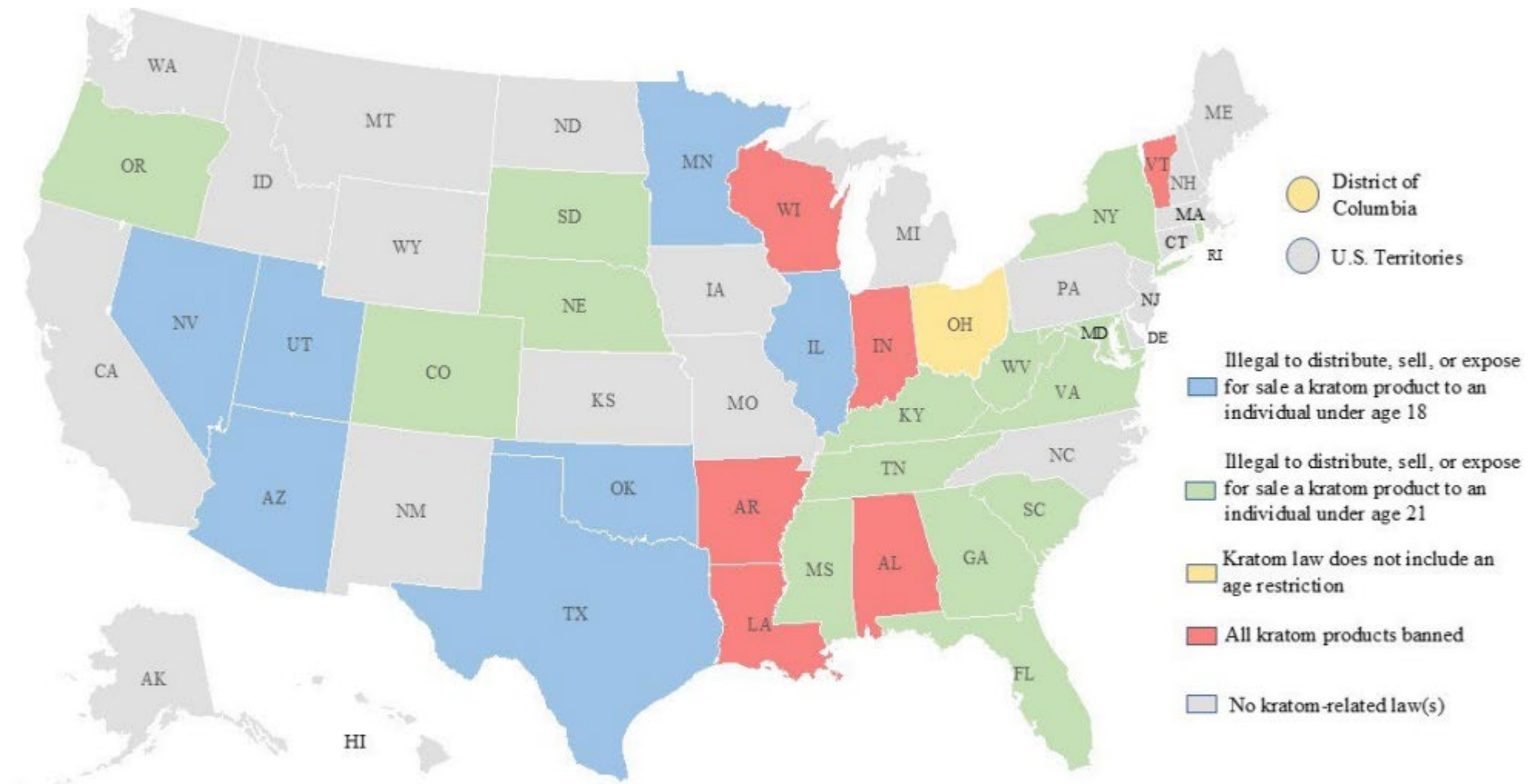
Kratom Product Labeling Requirements

(Source: Legislative Analysis and Public Policy Association)



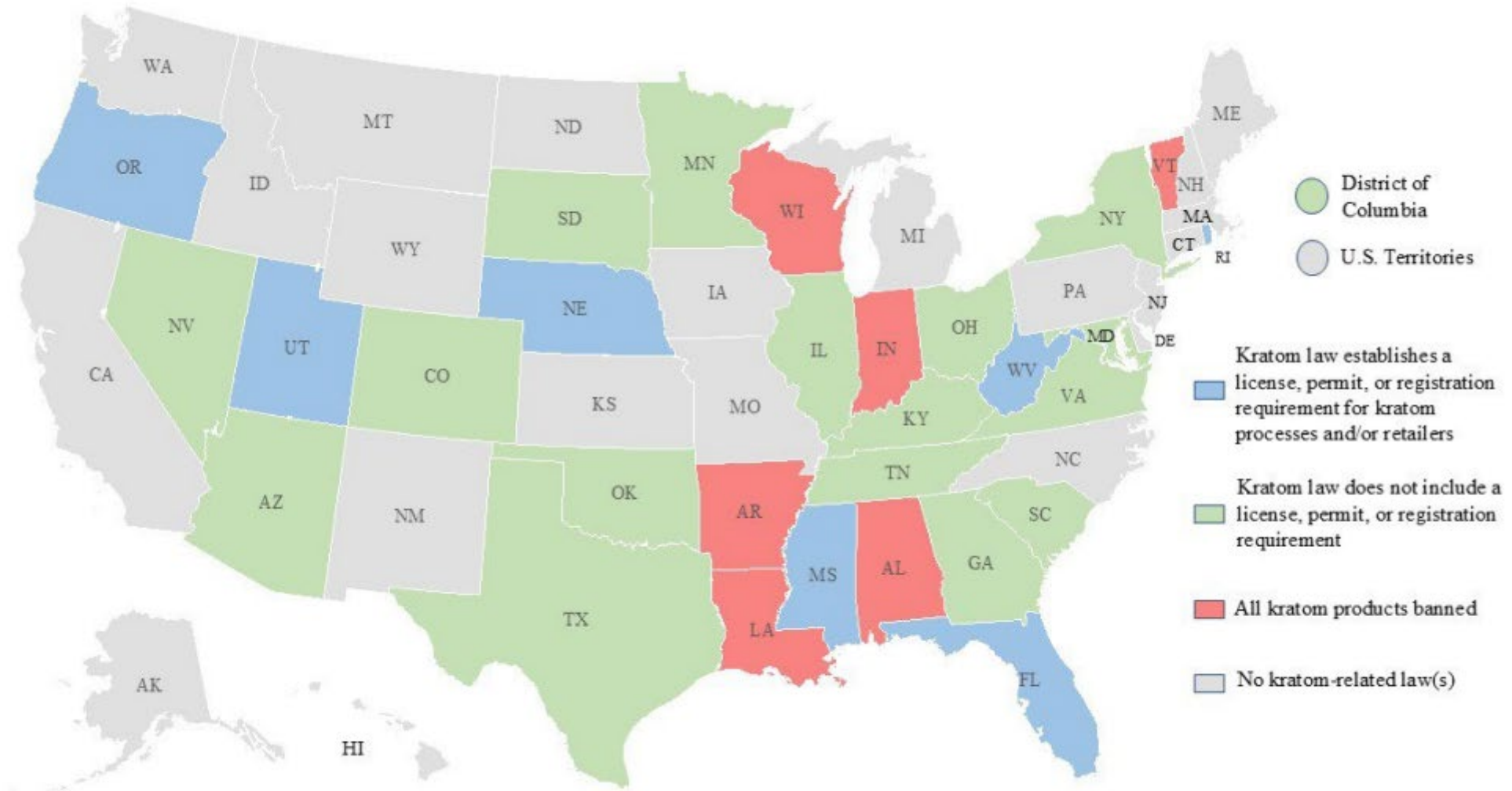
Kratom and 7-OH Age Restrictions

(Source: Legislative Analysis and Public Policy Association)



Kratom License, Permit, or Registration Requirement

(Source: Legislative Analysis and Public Policy Association)



Schedule I Controlled Substances



- **Complete ban**
 - Mitragynine and 7-hydroxymitragynine are Schedule I controlled substances

Possession, Sale, and Distribution



OKLAHOMA

- **Nebraska**
 - Online retailers must have an age-verification system
 - No sale of “adulterated kratom product,” which is defined as including 7-OH
 - Department of Revenue must establish and operate a program to register kratom products and make the list public on its website
- **Oklahoma**
 - Vendor shall not sell kratom products containing levels of 7-OH exceeding 1% of the alkaloid composition of the product or containing synthesized compounds from the kratom plant, or otherwise contaminated

Labeling Requirements



OKLAHOMA

- **Nebraska**

- Product not recommended for under 21, pregnant or breastfeeding
- Healthcare practitioner should be consulted prior to use
- Product may be habit-forming
- “These statement have not been evaluated by the FDA”
- Name and place of business of the processor
- Direction for use and recommended amount, recommended serving in 24 hours, servings per container, and list of kratom alkaloids and 7-OH in the product, including a quantitative declaration of the amount per serving of mitragynine

- **Oklahoma**

- Ingredients listed in descending order of prominence;
- No sale or transfer to under 18;
- Amount of total kratom alkaloids in product and packaging;
- The name and principal address of vendor or person responsible for distribution
- Any federal food labeling requirements

Enforcement Mechanisms



OKLAHOMA

- **Nebraska**

- Penalties for violations:
 - \$1,000 for first violation
 - \$5,000 for second violation
 - At least \$5,000 and no more than \$20,000 for third violation and, if violator is processor, prohibit the sale of any kratom products for 3 years
- Retailer shall not be found in violation if it is shown by a preponderance of the evidence that the retailer relied in good faith upon the representation of a processor that a product is not adulterated

- **Oklahoma**

- Up to \$500 for first offense;
- Up to \$1,000 for second offense;
- 3-year sales prohibition for third offense
 - If found violating, can face misdemeanor charges punishable by imprisonment for not more than 1 year, a fine of \$2,000, or both.

2026 Introduced Legislation



- **Washington HB 2291/SB 6196**
 - Establish labeling rules
 - Prohibit adulterated or synthetic products
 - Cap 7-OH at 2% of alkaloid
- **South Dakota SB 77**
 - Makes sale, possession, purchase, and consumption of kratom a Class 2 misdemeanor
- **Nebraska LB 431**
 - Formally add kratom to Schedule I Controlled Substances



Thank you for joining today!

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