

# KRATOM & THE LAW

## SUPPLEMENTAL LEGISLATIVE PACKET

What federal agencies have already determined.

What state law already allows.

Why enforcement is currently failing.

### **Prepared for Policymakers**

A consolidated review of federal findings, state legal authority, and real-world enforcement limitations related to kratom (*Mitragyna speciosa*)

Inside This Packet:

- Federal findings on safety, addiction, and opioid-like effects
- State FD&C authority to remove unlawful products
- Law enforcement limitations in testing and enforcement
- FDA import alerts and public health determinations
- Policy gaps impacting public safety

**Core Question for Lawmakers:  
If a substance meets the definition of an unsafe, unapproved drug and cannot be effectively enforced, why is it still being sold?**

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# DEA Evaluation of Kratom (Mitragnyna speciosa)

Federal analysis outlines kratom's risks, highlighting opioid-like effects, addiction potential, and increasing harm across communities nationwide.



## FROM THE DEA FACT SHEET

### NO ACCEPTED MEDICAL USE

- Kratom has no legitimate medical use in the United States

### OPIOID-LIKE DRUG EFFECTS

- Act similar to morphine and reversed by naloxone

### ADDICTION & WITHDRAWAL

- Kratom consumption can lead to addiction
- Documented withdrawal in chronic users

### OVERDOSE & DEATH SIGNALS

- FDA data:
  - 1,486 cases (2008–2025)
  - 1,387 serious cases
  - 715 deaths involved

## WIDESPREAD RECREATIONAL USE

- Increasing use as:
  - Opioid substitute
  - Self-treatment for withdrawal
  - Marketed online as a legal psychoactive product
- Available as:
  - Powder, capsules, extracts, resins

## POLICY QUESTION FOR LAWMAKERS

Why is a substance that mimics opioids and is linked to addiction and deaths still sold without restriction?

## SOURCE

Drug Enforcement Administration (DEA)  
Diversion Control Division  
Drug & Chemical Evaluation Section  
Kratom (Mitragnyna speciosa), October 2025

Learn more at

[www.antikratom.org](http://www.antikratom.org)

and

[www.kratomregulatoryreview.org](http://www.kratomregulatoryreview.org)

# Kratom Already Meets Definitions of Unlawful Products Under FD&C Law



## How Kratom Is Evaluated Under Existing Law

### WHAT ARE FD&C LAWS?

State FD&C laws mirror federal law and prohibit the sale of products that are:

- Adulterated (unsafe or contaminated)
- Misbranded (false or misleading claims)
- Unapproved drugs (marketed with drug-like effects without FDA approval)
- Harmful or deleterious

### HOW KRATOM FITS THESE DEFINITIONS

#### Adulteration

Kratom has no established safe use and has been linked to contamination and safety concerns.

#### Misbranding

Often marketed with claims related to pain, mood, or withdrawal without approval

#### Unapproved Drugs

Acts on opioid receptors and produces drug-like effects without FDA approval

### WHY THIS MATTERS UNDER STATE LAW

- FD&C laws already provide enforcement authority
- Products do not need scheduling to be removed from the market
- If a product meets these definitions, it may already be unlawful to sell
- States have independent authority to act regardless of federal scheduling

### KEY QUESTION FOR POLICYMAKERS

**If a product meets the definition of an unapproved drug and lacks proven safety, why is it still being sold?**

# KRATOM PRODUCTS DETAINED AT U.S. BORDERS AS UNSAFE



## Why the FDA issues import alerts

Import alerts allow the FDA to stop potentially unsafe or illegal products from entering the U.S. without waiting for full inspection, protecting public health quickly and efficiently.

## WHAT IMPORT ALERT 54-15 DOES

- ✓ Allows detention without physical examination (DWPE) of kratom shipments
- ✓ Applies to dietary supplements and bulk ingredients containing kratom
- ✓ Targets products entering the U.S. from identified manufacturers and importers

## What the FDA found

- Kratom does not have adequate evidence of safety as a dietary ingredient
- No history of safe use prior to 1994 required for dietary ingredients
- Products are considered adulterated under federal law

## Reported Health Risks

- Respiratory depression and neurologic effects
- Hallucinations, agitation, and aggression
- Nausea, vomiting, and severe withdrawal symptoms
- Multi-organ toxicity concerns identified in scientific literature

## WHAT THIS MEANS FOR POLICY

- **The FDA is already blocking kratom at the international level**
- **Products are flagged as unsafe before reaching U.S. consumers**
- **Yet similar products remain widely available in domestic retail markets**

If kratom products are stopped at the border as unsafe, they should not be freely sold inside the United States.

### Sources

- U.S. Food and Drug Administration (FDA) — Import Alert 54-15 (2025)
- Federal Food, Drug, and Cosmetic Act — Adulteration (Section 402(f)(1)(B))
- FDA Public Health Assessment of Kratom Safety



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# Can your state troopers test kratom for synthetic 7-OH?

If not, how can they enforce it?



## Enforcement Reality

### No Field Test Exists

Troopers cannot detect 7-OH in roadside or retail inspections.

### Requires Advanced Lab Equipment

Identification requires LC-MS/MS—specialized, costly, and limited.

### Delayed Results

Testing takes days to weeks—not actionable in real time.

### No Practical Retail Enforcement

Products remain on shelves while results are pending.



## What This Means for Policy

- Standards without enforcement create false safety assurances
- Burden shifts to under-resourced state labs
- Law enforcement is asked to enforce what it cannot measure
- Retailers operate unchecked in real time

If it can't be tested in the field, it can't be effectively regulated

#### Sources

- U.S. Drug Enforcement Administration (DEA) — Drug Identification & Forensic Testing
- National Institute of Justice (NIJ) — Field Drug Testing Limitations
- Forensic Toxicology Literature — Mitragynine & 7-Hydroxymitragynine Analysis (LC-MS/MS)

Learn More at [www.antikratom.org](http://www.antikratom.org)



# Would you allow impaired driving without standards?

**Kratom can impair judgment, sedation, and reaction time—yet remains largely unregulated.**

## Opioid-Level Warnings Exist

Prescription opioids clearly warn: “Do not operate heavy machinery.”  
Kratom acts on the same receptors—but carries no consistent warning.

## No Real Driving Standards

There is no roadside test for kratom impairment  
No defined legal limit  
No way for officers to assess real-time impairment

## Limited Human Data

- Limited real-world driving safety data
- Small study sample sizes
- No established safe driving thresholds

## What Drivers Need to Know

Kratom acts on opioid receptors  
May cause sedation, slowed reaction, dizziness, and impaired focus  
Same risks warned for opioid driving

## Policy Gap

- ✓ No standardized impairment threshold
- ✓ No required warning labels
- ✓ No consistent product strength
- ✓ No enforcement tools for officers

**No roadside test exists for kratom impairment**

### SOURCES

- U.S. FOOD AND DRUG ADMINISTRATION (FDA) — KRATOM PUBLIC HEALTH ADVISORIES
- FDA ADVERSE EVENT REPORTING SYSTEM (FAERS)
- NATIONAL INSTITUTE ON DRUG ABUSE (NIDA) — KRATOM DRUGFACTS
- ZAMARIPPA ET AL. — EFFECTS OF KRATOM ON DRIVING AND PSYCHOMOTOR PERFORMANCE
- OPIOID PRESCRIBING INFORMATION

FOR MORE INFORMATION:



[www.antikratom.org](http://www.antikratom.org)