

Kratom in Texas

Senate Bill 497 was passed during the 88th Legislative Session. The bill created new Texas Health and Safety Code (HSC) Chapter 444, relating to the manufacture, distribution, and sale of kratom products. The legislation became effective on September 1, 2023.

What is kratom?

HSC 444 defines “kratom” as any part of the leaf of the plant *Mitragyna speciosa*. It further defines “kratom product” as a food, which includes an extract, capsule, or pill, containing any form of kratom.



What are the new kratom product requirements?

Kratom processors are required to label kratom products with product use directions necessary to ensure safe use of the product by a consumer, and the recommended serving size. Kratom retailers may only sell kratom products that are properly labeled.

A kratom processor/kratom retailer may not prepare, distribute, sell, or offer to sell a kratom product that:

- is adulterated with a dangerous non-kratom substance
- is contaminated with a poisonous or otherwise deleterious non-kratom substance
- contains a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than two percent of the overall alkaloid composition of the product
- contains any synthetic alkaloids, including synthetic 7-hydroxymitragynine and synthetically derived compounds from a kratom plant

Kratom products may not be distributed, sold, or exposed for sale to individuals younger than 18 years of age. Per HSC 444, sale of kratom products to individuals younger than 18 years of age is a Class C misdemeanor (i.e., a criminal offense), and violators may also be subject to civil penalties.

If you are engaged in the manufacture, warehousing, wholesale, or retail sale of kratom products, then you are subject to current food licensing and permit requirements unless exemptions apply. Please visit www.dshs.texas.gov/foods for food manufacturing, warehousing, and wholesale license requirements. Visit www.dshs.texas.gov/retail-food-establishments for retail food permit requirements.

Contact Information

Manufactured Foods Operations, MC 1987, Dept. of State Health Services
P.O. Box 149347
Austin, Texas 78714-9347
512-834-6670

foods.regulatory@dshs.texas.gov



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Health and Human
Services

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Health Services

dshs.texas.gov/foods