

2026 Regular Session

HOUSE BILL NO. 778

BY REPRESENTATIVE AMEDEE

CONTROLLED SUBSTANCES: Provides with respect to the possession of Kratom

1 AN ACT

2 To amend and reenact R.S. 40:964(G) and 966.1, relative to kratom; to provide for the
3 unlawful possession, production, and distribution of synthetic kratom; to limit levels
4 of certain chemicals in kratom; to provide for definitions; to provide for penalties;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:964(G) and 966.1 are hereby amended and reenacted to read as
8 follows:

9 §964. Composition of schedules

10 Schedules I, II, III, IV, and V shall, unless and until added pursuant to R.S.
11 40:962, consist of the following drugs or other substances, by whatever official
12 name, common or usual name, chemical name, or brand name designated:

13 SCHEDULE I

14 * * *

15 G. Miscellaneous. Unless specifically excepted or contained within a
16 pharmaceutical product approved by the United States Food and Drug
17 Administration, or unless listed in another schedule, any material, compound,
18 mixture, or preparation which contains any quantity of a synthesized, semi-
19 synthesized, or a synthetic-like compound of the following substances, including

1 their salts, isomers, or salts of isomers, whenever the existence of such salts, isomers,
2 or salts of isomers is possible within the specific chemical designation:

3 (1) 7-hydroxymitragynine

4 (2) Mitragynine

5 (3) Tianeptine

6 §966.1. Unlawful possession, production, or distribution of kratom products

7 A. ~~For purposes of this Section, "kratom" means any substance derived from~~
8 ~~the leaves of the Mitragyna speciosa tree or any substance containing~~
9 ~~7-hydroxymitragynine or mitragynine.~~

10 B.(1) ~~Manufacture; distribution. It shall be unlawful for any person to~~
11 ~~knowingly produce, manufacture, distribute, or dispense, or possess with intent to~~
12 ~~produce, manufacture, distribute, or dispense, kratom.~~

13 (2) ~~Any person who violates Paragraph (1) of this Subsection for an amount~~
14 ~~of:~~

15 (a) ~~An aggregate weight of less than five hundred grams, shall be fined not~~
16 ~~more than fifty thousand dollars, imprisoned, with or without hard labor, for not less~~
17 ~~than one year nor more than three years, or both.~~

18 (b) ~~An aggregate weight of five hundred grams or more, shall be fined not~~
19 ~~more than fifty thousand dollars, imprisoned, with or without hard labor, for not less~~
20 ~~than one year nor more than five years, or both.~~

21 C. ~~Possession. It is unlawful for any person knowingly or intentionally to~~
22 ~~possess kratom. Any person who violates this Subsection shall be punished as~~
23 ~~follows:~~

24 (1) ~~On a conviction wherein the offender possesses twenty grams or less, the~~
25 ~~offender shall be fined not more than one hundred dollars.~~

26 (2) ~~On a first conviction, wherein the offender possesses more than twenty~~
27 ~~grams, the offender shall be fined not more than five hundred dollars, imprisoned in~~
28 ~~the parish jail for not more than six months, or both.~~

1 ~~(3) On a second or any subsequent conviction, wherein the offender possesses~~
2 ~~more than twenty grams, the offender shall be fined not more than one thousand~~
3 ~~dollars, imprisoned in the parish jail for not more than six months, or both.~~

4 A. No person shall possess, produce, or distribute a product that contains any
5 of the following:

6 (1) A level of 7-hydroxymitragynine in the alkaloid fraction that is greater
7 than two percent of total alkaloids in a container and with a single serving of a
8 product exceeding one milligram per serving of 7-hydroxymitragynine.

9 (2) A level of mitragynine in its natural form, or that is extracted using FDA-
10 approved food solvents that limit the potency of the product, which contains levels
11 of residual solvents higher than is allowed in the U.S. Pharmacopeia 467, or a single
12 serving size of greater than eighty milligrams.

13 B. For the purposes of this Section, the following terms shall have the
14 following meanings:

15 (1) "Synthesized" means created by chemical synthesis or biosynthetic
16 methods including fermentation, recombitant techniques, yeast derived enzymatic
17 techniques, and oxidation, rather than by traditional food preparation techniques,
18 such as heating or extracting.

19 (2) "Semi-synthetic alkaloid" means a substance derived from an alkaloid
20 occurring in kratom that has been chemically altered through chemical reactions such
21 as oxidation, reduction, acetylation, or other processes to change the structure or
22 pharmacological activity of the naturally occurring kratom alkaloid or the synthesis
23 of 7-hydroxymitragynine when produced by chemical alteration of mitragynine.

24 (3) "Synthetic kratom-like compound" means a substance that is not found
25 naturally in the Mitragyna speciosa plant and is created entirely through laboratory
26 synthesis to mimic the pharmacological effects of kratom alkaloids.

27 (4) "Synthesized kratom product" means any synthesized derivative of the
28 Mitragyna speciosa plant.

1 C.(1) A person who unlawfully possesses two grams or less of a synthesized
2 kratom product shall be fined five hundred dollars.

3 (2) A person who unlawfully possesses more than two grams of synthesized
4 kratom or a synthesized kratom product, or cultivates or otherwise produces
5 synthesized kratom or a synthesized kratom product, or sells or otherwise distributes
6 synthesized kratom or a synthesized kratom product, shall be fined not less than two
7 thousand dollars or imprisoned for not less than one year nor more than five years,
8 with or without hard labor.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 778 Original

2026 Regular Session

Amedee

Abstract: Prohibits the possession, production, and distribution of synthetic kratom.

Present law prohibits the possession, production, and distribution of all kratom.

Proposed law amends present law to prohibit kratom that is synthesized or contains certain levels of certain chemicals.

Proposed law provides a \$500 fine for possession of two grams or less of synthetic kratom.

Proposed law provides a penalty of at least \$2,000 and/or between one and five years imprisonment with or without hard labor for the possession of more than two grams of synthetic kratom or the cultivation, production, and sale of synthetic kratom.

(Amends R.S. 40:964(G) and 966.1)