**R66. Agriculture and Food, Specialized Products.**

**R66-50. Kratom Retail Permit.**

**R66-50-1. Authority and Purpose.**

Pursuant to Section 4-45-107, this rule establishes the requirements for a person seeking a kratom retailer permit.

**R66-50-2. Definitions.**

(1) "End Consumer" means an individual who does not resell the purchased kratom product.

(2) "Kratom Retailer" means a kratom processor who sells a kratom product to an end consumer.

(3) "Kratom Retailer Permit" means a permit that the department issues to a retailer who sells or markets any kratom product.

(4) "Person" means an individual, partnership, association, firm, trust, limited liability company, or corporation, or any employees of such.

(5) "Premises" means a place where a kratom product is sold, offered for sale, exposed for sale, stored, or marketed.

**R66-50-3. Kratom Retailer Permit.**

(1) A person who sells, offers for sale, or exposes for sale a kratom product in the state shall secure a kratom retailer permit from the department.

(2) A retail permit shall be obtained before a kratom product is offered for sale in Utah.

(3) A person seeking a kratom retailer permit shall provide the following to the department for each individual store or retail establishment location where kratom products are sold:

(a) the name of the person who sells, offers for sale, or markets a kratom product;

(b) the address where the kratom product is sold, offered for sale, or marketed; and

(c) written consent allowing a representative of the department to enter any premises where the person is selling or storing a kratom product.

(4) A non-refundable permit fee, as set forth in the fee schedule approved by the Legislature, shall be paid to the department with the submission of the application.

(5) The department may deny a permit for an incomplete application.

(6) A permit is renewable for up to a one-year period with an annual renewal fee that shall be paid on or before December 31st of each year.

(7) A late fee shall be assessed for a renewal of a kratom retailer permit submitted after December 31st and shall be paid before the renewal is issued.

**R66-50-4. Inspection and Testing.**

(1) The department may randomly inspect a permittee to ensure that kratom products distributed or available for distribution in Utah comply with this rule and Rule R66-51.

(2) The department shall periodically sample, analyze, and test kratom products distributed within the state for compliance with registration and labeling requirements and the certificate of analysis.

(a) Each department sample shall include at least ten grams of kratom product.

(b) The department may test kratom products for any substance listed in Rule R66-52 as well as for any of the following prohibited substances, at the discretion of the department:

(i) any fentanyl derivative;

(ii) any cannabinoid tested for by the laboratory with an action level of 0.01% (w/w);

(iii) cocaine; or

(iv) any of the following Benzodiazepines:

(A) diazepam;

(B) alprazolam;

(C) triazolam;

(D) lorazepam; or

(E) clonazepam.

(c) A kratom product that is found to contain a prohibited substance shall be considered adulterated in violation of this rule.

(3) The department may inspect kratom products distributed or available for distribution for any other reason the department deems necessary.

(4) The department may, upon request, inspect a retailer permittee's records of receipt, inventory, and invoices to ensure that kratom products distributed or available for distribution in Utah are following this rule and Rule R66-51.

(5) The sample taken by the department shall be the official sample.

**R66-50-5. Retailer Permittee Responsibilities.**

(1) A retailer shall:

(a) ensure that a kratom product sold is properly registered with the department; and

(b) ensure that any advertisement for a kratom product sold or marketed in Utah:

(i) does not contain any medical claims; and

(ii) does not appeal to children.

(2) A retailer shall provide the identity of the manufacturer or distributor of a kratom product sold upon request of the department.

(3) A retailer may register the product in lieu of the manufacturer if the product is not registered.

**R66-50-6. Violation.**

(1) Each unregistered product shall be a separate violation of this rule.

(2) An advertisement shall be considered falsely advertised if the permittee makes a claim about a product that is not on the label.

(3) It is a violation to market or sell kratom products in Utah without a valid retailer permit pursuant to this rule.

(4) It is a violation to refuse inspection of a retail establishment, product for sale, or a product storage area.

(5) It is a violation to sell kratom products that have any likeness bearing resemblance to a cartoon character or fictional character.

(6) It is a violation to sell kratom products that appear to imitate a food or other product that is typically marketed toward or appealing to children.

(7) It is a violation to prepare, distribute, sell, or offer for sale a kratom product that would be potentially harmful to consumers.

**KEY: kratom, retail permit**

**Date of Last Change: September 22, 2025**

**Authorizing, and Implemented or Interpreted Law: 4-45-107**