

**Provisional Draft**  
For review by the Economic  
Affairs Interim Committee  
May 19, 2026

Interim 2025-2026

Kratom PD 1.1

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5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE KRATOM CONSUMER PROTECTION ACT;  
6 PROVIDING DEFINITIONS; PROHIBITING KRATOM IN FOOD; PROVIDING KRATOM PRODUCT  
7 REGULATIONS; PROVIDING FOR KRATOM PROCESSOR, DISTRIBUTOR, AND RETAILER  
8 REGISTRATION, FEES, AND TAXES; PROVIDING FOR POINT-OF-SALE REQUIREMENTS, AND  
9 LOCATION AND MARKETING RESTRICTIONS; PROVIDING FOR PUBLIC HEALTH MONITORING;  
10 PROVIDING FOR ENFORCEMENT BY THE DEPARTMENT OF REVENUE; PROVIDING FOR CIVIL  
11 PENALTIES, AND MISDEMEANOR AND FELONY CONVICTIONS; PROVIDING RULEMAKING AUTHORITY;  
12 PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING A  
13 DELAYED EFFECTIVE DATE."

14  
15 WHEREAS, kratom products are currently sold in Montana in a variety of forms, including powders,  
16 capsules, extracts, and beverages; and

17 WHEREAS, Montana regulates retail food establishments under a statewide food safety program  
18 based on the United States Food and Drug Administration Food Code, and administered by the Montana  
19 Department of Public Health and Human Services and local health authorities; and

20 WHEREAS, the United States Food and Drug Administration has determined that kratom is not lawfully  
21 marketed as a dietary supplement, cannot be lawfully added to conventional food or beverages, and food  
22 containing kratom is deemed adulterated under federal law; and

23 WHEREAS, products containing synthetic 7-hydroxymitragynine (7-OH) present heightened public  
24 health risks due to potency, variability, and lack of approved medical use.

25

26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

27

28 NEW SECTION. **Section 1. Short title.** (1) [Sections 1 through 14] may be cited as the "Kratom

1 Consumer Protection Act".

2 (2) It is the purpose of [sections 1 through 14] to prohibit the selling, giving, or other distribution of  
3 kratom products to the public unless specifically authorized by [sections 1 through 14] or other statutory act of  
4 the legislature. It is the express purpose of [sections 1 through 14] to prohibit the sale of kratom products to  
5 persons under 21 years of age.

6 (3) As provided in 7-1-113, nothing in this act preempts or limits the authority of a local government  
7 unit to adopt ordinances, rules, or orders that provide greater protection to public health, including stricter  
8 controls or prohibitions.

9

10 NEW SECTION. Section 2. Definitions. As used in [sections 1 through 14], unless the context  
11 clearly indicates otherwise, the following definitions apply:

12 (1) "7-hydroxymitragynine" or "7-OH" means the alkaloid known as 7-hydroxymitragynine, whether  
13 naturally occurring, concentrated, isolated, synthesized, or added.

14 (2) "Attractive to children" means a product manufactured or packaged in a shape or form that  
15 bears any reasonable resemblance to a cartoon, animated character, animal, mascot, toy, celebrity popular  
16 with minors, youth-oriented theme, or an existing candy, snack, or beverage product that is commonly  
17 marketed to children or is familiar to the public as a widely distributed, branded food product so that a product  
18 could be mistaken for the branded product, especially by children.

19 (3) "Department" means the department of revenue provided for in 2-15-1301.

20 (4) "Entity" means a person required to register as a kratom processor, kratom distributor, or  
21 kratom retailer.

22 (5) "Food" has the meaning provided in 50-31-103.

23 (6) "Kratom" means any material derived from the plant *mitragyna speciosa* and any preparation  
24 containing mitragynine and all related alkaloids contained naturally or metabolized by the human body after  
25 consumption.

26 (7) "Kratom distributor" means a person importing into or purchasing in Montana kratom products  
27 for sale or resale to kratom retailers registered in Montana.

28 (8) "Kratom extract" means a substance or compound obtained by extraction of the *mitragyna*

1 speciosa leaf that is intended for ingestion and contains more than trace amounts of mitragyna speciosa and  
2 contains other alkaloids of the kratom plant, and which does not contain any controlled substances or levels of  
3 residual solvents higher than is allowed in the United States Pharmacopeia 467.

4 (9) "Kratom processor" means a person who manufactures or produces kratom products.

5 (10) "Kratom product" means a food, food ingredient, dietary ingredient, or supplement intended for  
6 human consumption that contains any part of the leaf of the plant *Mitragyna speciosa* or an extract of the  
7 *Mitragyna speciosa* leaf.

8 (11) "Kratom retailer" means a person that sells or otherwise provides kratom products to the public.

9 (12) "Local government unit" has the meaning provided in 2-11-103.

10 (13) "Production batch" means a quantity of kratom product for individual use from a processed lot.

11 (14) "Retail food establishment" has the meaning provided in 50-50-102.

12 (15) "Synthesized material" means an alkaloid, metabolite, or alkaloid derivative that has been  
13 created by chemical synthesis or biosynthetic means, including but not limited to fermentation, recombinant  
14 techniques, or yeast-derived, enzymatic techniques, rather than traditional food preparation techniques, such  
15 as heating or extracting, that synthetically alters the composition of any kratom alkaloid or constituent.

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17 **NEW SECTION. Section 3. Prohibition on kratom in food.** (1) A retail food establishment may not:

18 (a) add kratom or a kratom product to any food;

19 (b) sell, serve, or allow on its premises the consumption of any food containing kratom; or

20 (c) represent any food as containing kratom.

21 (2) A food containing kratom is deemed adulterated within the meaning of 50-31-202 and 50-31-  
22 305.

23 (3) No exemption from registration, labeling, or enforcement may be construed to authorize kratom  
24 in a food.

25  
26 **NEW SECTION. Section 4. Kratom product restrictions -- potency limits.** (1) A person may not  
27 prepare, distribute, sell, or expose for sale a kratom product that:

28 (a) contains a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 2% of the

- 1 alkaloid composition of the kratom product;
- 2 (b) contains synthesized material;
- 3 (c) contains or is adulterated with a dangerous non-kratom substance if it contains a poisonous or  
4 otherwise deleterious non-kratom ingredient, including but not limited to the substances listed as controlled  
5 substances under state or federal law;
- 6 (d) is combustible, intended to be used for vaporization, or injectable;
- 7 (e) is manufactured in a manner that is attractive to children;
- 8 (f) contains levels of residual solvents, biological contaminants, mold, pesticides, synthetic or  
9 concentrated 7-hydroxymitragynine, or heavy metal contaminants that do not meet the standard for dietary  
10 supplement products established in the Dietary Supplement Health and Education Act of 1994, 21 USC 342;
- 11 (g) does not have proof of appropriate quality testing for each production batch using an analytical  
12 method approved by the department from an ISO/IEC 17025 accredited independent laboratory in the form of a  
13 certificate of analysis representing that:
- 14 (i) the kratom product does not contain levels of residual solvents, biological contaminants, mold,  
15 pesticides, synthetic or concentrated 7-hydroxymitragynine, or heavy metal contaminants that do not meet the  
16 standard for dietary supplement products established in the Dietary Supplement Health and Education Act of  
17 1994, 21 USC 342; and
- 18 (ii) the production batch meets concentration and content limits; or
- 19 (h) contains added, concentrated, isolated, synthesized, chemically modified, or otherwise  
20 intentionally enhanced 7-hydroxymitragynine.
- 21 (2) A kratom product may not exceed the following limits:
- 22 (a) 15 milligrams of mitragynine per serving; and
- 23 (b) 75 milligrams of mitragynine per package.
- 24 (3) A kratom product may not be formulated, labeled, or marketed to encourage consumption of  
25 multiple servings in a single use to circumvent potency limits.
- 26 (4) The department may adopt rules to:
- 27 (a) establish different limits for powders, capsules, and extracts, provided that the limits are no  
28 greater than those in subsection (2); and

1 (b) prohibit product designs intended to deliver rapid or excessive intoxication.

2

3 **NEW SECTION. Section 5. Entity and kratom product registration -- fees -- tax.** (1) A kratom  
4 processor, kratom distributor, or kratom retailer must register annually with the department. Registration will  
5 automatically lapse unless it is renewed. An entity with lapsed registration may not sell kratom products until it  
6 has reregistered with the department.

7 (2) A person that places or intends to place a kratom product into commerce in the state shall first  
8 register with the department as a kratom processor and pay a \$500 fee.

9 (3) (a) A kratom processor may not prepare, distribute, sell, or offer for sale a kratom product that  
10 is not registered with the department.

11 (b) The registration must include the following sworn certifications from the kratom processor:

12 (i) The kratom product being registered meets all of the requirements in [section 4] and this  
13 section;

14 (ii) A certification from a qualified independent auditor that the kratom processor meets or exceeds  
15 guidelines published by the United States food and drug administration for current good manufacturing  
16 practices for any facility that manufactures, processes, packs, or holds a kratom product;

17 (iii) A current United States food and drug administration food facility registration certificate or a  
18 certification from the local authority where the manufacturing physically takes place that the facility is registered  
19 as a food facility for any processor's facility that manufactures, processes, packs, or holds a kratom product;

20 (iv) A statement that the processor has a reasonable basis that the kratom product is safe for  
21 consumption under the conditions of use set forth on the label pursuant to [section 6] and that the registrant  
22 assumes responsibility and liability for the kratom products offered for sale; and

23 (v) The submission of a certificate of analysis from a certified independent third-party laboratory  
24 showing compliance with the requirements of [section 4] for residual solvents, biological contaminants, mold,  
25 pesticides, synthetic or concentrated 7-hydroxymitrygynine, and heavy metal contaminants.

26 (4) Product compliance testing is the responsibility of the processor placing a kratom product into  
27 commerce in this state.

28 (5) A product that contains the same kratom ingredients in the same kratom delivery form, but a

1 different container, package, or volume, must be included in a single registration.

2 (6) If the department determines a kratom product registration fails to meet the requirements for  
3 registration, the kratom processor may seek a review. The department shall require the payment of all  
4 estimated costs associated with the review from the kratom processor prior to the commencement of the  
5 review.

6 (7) The department shall publish and maintain a kratom product registration page on its official  
7 website listing all currently registered kratom products that are permitted to be sold to consumers.

8 (8) A person that distributes or intends to distribute kratom products in the state shall first register  
9 with the department as a kratom distributor and pay a \$400 fee.

10 (9) A person that sells or intends to sell kratom products to the public in the state shall first register  
11 with the department as a kratom retailer and pay a \$400 fee.

12 (10) There is a 50% excise tax on the wholesale selling price of a kratom product. The tax imposed  
13 pursuant to this subsection on a kratom distributor is due at the end of a quarter from the kratom distributor on  
14 kratom sold by the kratom distributor during the quarter. The tax is payable to the department and must be  
15 deposited into the department's fund as provided in [section 14].

16 (11) An entity shall maintain records sufficient to identify the source, batch, and distribution of each  
17 kratom product for not less than 5 years.

18  
19 **NEW SECTION. Section 6. Labeling -- packaging.** (1) The kratom processor of a kratom product is  
20 responsible for labeling the product in compliance with this section.

21 (2) A kratom product produced, manufactured, distributed, offered, sold, or offered for sale must  
22 have a label that clearly and conspicuously provides all of the following statements and information on each  
23 package:

24 (a) "Keep out of reach of children."

25 (b) "For adults 21 and older only."

26 (c) "Do not use if pregnant or breastfeeding."

27 (d) "Do not use with alcohol or other drugs unless otherwise advised by a health professional."

28 (e) "May cause impairment. Do not drive or operate machinery after use."

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- 1 (f) "May be habit forming."
- 2 (g) "Consult a health professional before use, especially if you take prescription or over-the-
- 3 counter medications."
- 4 (h) Total mitragynine content per serving and per package;
- 5 (i) Serving size and number of servings;
- 6 (j) A complete list of ingredients;
- 7 (k) Batch or lot number;
- 8 (l) The name and the address for the place of business of the kratom processor; and
- 9 (m) Directions for use that include the following:
- 10 (i) Recommended amount of the kratom product per serving that is:
- 11 (A) for product forms such as capsules, gummies, prepackaged single serving units, and similar
- 12 product forms, clearly described on the label; or
- 13 (B) for beverages, liquids, or loose powders, a clear instruction or marking on the package or
- 14 container that clearly informs the consumer on the recommended serving size.
- 15 (ii) Recommended number of servings that can be safely consumed in a 24-hour period;
- 16 (iii) Number of servings per container; and
- 17 (iv) A list of kratom alkaloids and other ingredients in the product, including quantitative not-to-
- 18 exceed declarations of the amount per serving of mitragynine.
- 19 (3) A kratom retailer shall ensure that a certificate of analysis verifying compliance is:
- 20 (a) maintained on site; and
- 21 (b) accessible to the department upon request.
- 22 (4) Each retail package must include a quick reference code or web address linking directly to the
- 23 certificate of analysis for the specific production batch.
- 24 (5) The certificate of analysis must remain publicly accessible for not less than 5 years after the
- 25 last date of sale in this state.
- 26 (6) The department shall approve labels for kratom products once by kratom processors. If a
- 27 kratom processor changes a kratom product, the department shall withdraw approval and the kratom processor
- 28 must seek reapproval of the kratom product. The department may charge a fee in connection with the

1 reapproval.

2 (7) A kratom product must be sold in special packaging that is child-resistant and adult-use  
3 effective, consistent with standards adopted under the Poison Prevention Packaging Act of 1970, 15 USC  
4 1471–1477 and any applicable implementing regulations or successor standards adopted by rule.

5 (8) Packaging may not be attractive to children.

6 (9) The department may require package testing documentation demonstrating compliance.

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8 **NEW SECTION. Section 7. Point-of-sale requirements -- employee training.** (1) A kratom  
9 processor may only sell a kratom product to a kratom distributor. A kratom distributor may only sell a kratom  
10 product to a kratom retailer.

11 (2) A kratom retailer may not display, store, or offer for sale a kratom product in a manner that  
12 allows direct access to the product by a customer without the assistance of an employee or agent of the  
13 retailer.

14 (3) A kratom retailer shall verify that the purchaser is 21 years of age or older using valid  
15 government-issued identification before the product is provided to the purchaser. A retailer may not use self-  
16 attestation alone to satisfy age-verification requirements.

17 (4) A kratom product sold at retail must be stored:

18 (a) behind a sales counter; or

19 (b) in a locked display case, cabinet, or other secured storage container that is not accessible to  
20 customers.

21 (5) A kratom product may not be sold through a vending machine or other automated or  
22 unattended sales device.

23 (6) (a) A kratom retailer may not sell or deliver a kratom product through the internet, by mail, by  
24 telephone, or through a delivery platform unless the retailer uses a commercially reasonable age-verification  
25 system at the time of purchase.

26 (b) A delivery seller shall maintain records of age verification for not less than 3 years.

27 (7) A kratom product may only be provided to a customer by an employee or agent of the kratom  
28 retailer who retrieves the product from the location described in subsection (4).

- 1           (8)     (a) A kratom retailer shall ensure that all employees involved in kratom sales complete annual  
2 training approved by the department, which must include:
- 3           (i)     age verification;
  - 4           (ii)    refusal of sale;
  - 5           (iii)  recognition of unlawful products;
  - 6           (iv)  handling of consumer complaints; and
  - 7           (v)  procedures for responding to suspected adverse events or recalled products.
- 8           (b)     Proof of training must be maintained on site and made available upon request.
- 9

10           **NEW SECTION. Section 8. Advertising and marketing restrictions.** (1) A person may not

11 advertise or market a kratom product in a manner that:

- 12           (a)     is directed at or reasonably likely to appeal to individuals under 21 years of age;
  - 13           (b)     is attractive to children; or
  - 14           (c)     promotes binge use, rapid intoxication, or consumption of multiple servings to enhance effects.
- 15           (2)     A kratom product may not be marketed or labeled as “7-OH,” “enhanced,” “fortified,”

16 “pseudoindoxyl,” or similar terminology.

17           (3)     Advertising for kratom products may not be placed:

- 18           (a)     within 1,000 feet of a school, playground, youth center, or public park;
- 19           (b)     in media primarily directed toward individuals under 21 years of age; or
- 20           (c)     on public property except as permitted by local ordinance.

21           (4)     Digital advertising must employ an age verification or age-gating system to restrict access by  
22 individuals under 21 years of age.

23

24           **NEW SECTION. Section 9. Retail location and density regulations.** (1) A local government unit

25 may adopt ordinances or rules to regulate:

- 26           (a)     the number of kratom retailers within its jurisdiction;
- 27           (b)     minimum distance requirements between kratom retailers; and
- 28           (c)     minimum distances between kratom retailers and schools, childcare facilities, playgrounds,

1 youth centers, or treatment or recovery facilities.

2 (2) Density regulations may include:

3 (a) a limit to the number of kratom retail licenses per population or geographic area;

4 (b) zoning restrictions limiting kratom sales to certain districts; or

5 (c) conditional use permitting.

6 (3) Nothing in this act preempts or limits the authority of a local government unit to:

7 (a) prohibit kratom sales within its jurisdiction;

8 (b) impose stricter potency limits;

9 (c) impose stricter advertising or packaging requirements; or

10 (d) adopt additional public health protections.

11

12 **NEW SECTION. Section 10. Adverse event reporting.** (1) An entity that receives information  
13 suggesting that a kratom product may have caused a serious adverse event shall report the event to the  
14 department within 5 business days.

15 (2) A serious adverse event includes death, a life-threatening event, inpatient hospitalization,  
16 persistent or significant disability, congenital anomaly, or medical intervention required to prevent such  
17 outcomes.

18 (3) The report must include, to the extent known:

19 (a) the product name and batch number;

20 (b) date and place of sale;

21 (c) the nature of the event; and

22 (d) contact information for follow-up.

23 (4) Reporting under this section does not create an admission of liability.

24

25 **NEW SECTION. Section 11. Enforcement -- penalties.** (1) A kratom processor, kratom distributor,  
26 or kratom retailer is subject to the following penalties for any violation of the requirements in [sections 3 through  
27 10]:

28 (a) For a first violation, a fine of \$10,000.

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- 1 (b) For a second violation, a fine of \$15,000.
- 2 (c) For a third violation, prohibition from the sale of any kratom product in Montana for a period of 2  
3 years.
- 4 (2) A person who purposely or knowingly violates [sections 3 through 10] commits a misdemeanor,  
5 punishable as provided under Title 45.
- 6 (3) A person who purposely or knowingly commits a second or subsequent violation of [sections 3  
7 through 10] within 1 year after the initial violation commits a misdemeanor, punishable as provided in Title 45.
- 8 (4) A person who purposely or knowingly manufactures, delivers, holds, offers for sale, distributes,  
9 or sells a kratom product that contains any controlled substance listed in state or federal law is guilty of a felony  
10 as provided in Title 45.
- 11 (5) An entity that purposely or knowingly manufactures, delivers, holds offers for sale, distributes,  
12 or sells a kratom product that contains synthetic mitragynine, synthetic 7-hydroxymitrgynine, or any other  
13 synthetically derived compound of the plant mitragyna speciosa commits a misdemeanor, punishable as  
14 provided in Title 45.
- 15 (6) The department may act on any complaint and has the authority to reasonably inspect the  
16 books and records of any entity required to register pursuant to [section 5].
- 17 (7) Upon receipt of a violation report on a kratom product offered for sale, the department shall  
18 require the entity to produce an updated and current certificate of analysis in a reasonable timeframe from a  
19 certified independent third-party laboratory showing compliance with the requirements of [sections 4 and 5]. If  
20 the entity does not provide the certificate of analysis and copies of all product labels in the specified timeframe,  
21 the registration for that kratom product must be revoked and a stop sale order must be issued for products  
22 covered by this registration.
- 23 (8) If the department has a reasonable basis to require an independent third-party test of a  
24 registered kratom product by a laboratory of the department's choice, the entity must be required to submit  
25 payment for the test within a reasonable timeframe. If the entity does not tender payment to the department  
26 within 30 days of receipt of the invoice for the testing, the department shall revoke the registration for that  
27 kratom product and a stop sale order must be issued for products covered by this registration.
- 28 (9) If the department determines that a kratom product is adulterated, misbranded, contaminated,

1 unlawfully potent, or otherwise poses a risk to public health, the department may order an immediate recall.

2 (10) An entity subject to a recall order shall:

3 (a) immediately cease distribution and sale;

4 (b) notify any other entity that received the product;

5 (c) provide public notice in a form approved by the department; and

6 (d) submit a recall effectiveness plan and status reports to the department.

7 (11) The department may seize or destroy any kratom product that does not comply with the  
8 requirements of [sections 3 through 10].

9 (12) Department proceedings pursuant to this section are subject to the Montana Administrative  
10 Procedures Act, Title 2, chapter 4.

11 (13) A kratom retailer does not violate this section if it is shown by a preponderance of the evidence  
12 that the retailer relied in good faith upon the representations of another entity.

13

14 **NEW SECTION. Section 12. Public health monitoring -- required report.** (1) The department of  
15 public health and human services shall monitor the public health impacts associated with the sale and  
16 consumption of kratom products in this state.

17 (2) To carry out the duties of this section, the department of public health and human services may  
18 collect, analyze, and maintain information relating to the health effects of kratom products, including but not  
19 limited to:

20 (a) monitoring adverse health events associated with kratom exposure or consumption;

21 (b) collecting and reviewing poison control center reports related to kratom products;

22 (c) tracking hospitalizations, emergency department visits, and other medical encounters  
23 associated with kratom exposure; and

24 (d) conducting population-based surveillance of kratom use, including trends in use among adults  
25 and youth.

26 (3) The department of public health and human services may collaborate with the department,  
27 health care providers, poison control centers, hospitals, and other public health partners to obtain data  
28 necessary to carry out the duties provided in this section.

1           (4)       Information collected under this section must be used solely for public health surveillance,  
2 research, prevention, and policy evaluation purposes, and must be handled in accordance with applicable state  
3 and federal confidentiality laws.

4           (5)       On or before September 1 of each year, the department of public health and human services  
5 shall submit a report to the governor, the economic affairs interim committee, and the children, families, health,  
6 and human services interim committee in accordance with 5-11-210 on the information required by this section.

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8           **NEW SECTION. Section 13. Rulemaking authority.** The department shall adopt rules to administer  
9 the provisions of [sections 3 through 11]. The rules must provide for:

- 10           (1)       the process for registration of a kratom product by a kratom processor;
- 11           (2)       the process for registration of a kratom processor, kratom distributor, or kratom retailer;
- 12           (3)       the requirements for enforcing the restriction on the sale of any kratom product to a person  
13 under 21 years of age;
- 14           (4)       any fees or information required for registration, including but not limited to information  
15 required, contact information, and certifications from qualified independent auditors;
- 16           (5)       any taxes collected;
- 17           (6)       the requirements for payment of any fees to the department associated with enforcement of a  
18 noncompliant or nonregistered kratom product;
- 19           (7)       proof of appropriate quality testing;
- 20           (8)       procedures for electronic applications for registration and payment of fees or taxes; and
- 21           (9)       the department's website listing registered products and entities.

22

23           **NEW SECTION. Section 14. Department fund -- required report.** (1) (a) There is a dedicated  
24 kratom state special revenue account within the state special revenue fund established in 17-2-102, to be  
25 administered by the department.

26           (b)       The account consists of:

- 27           (i)       money deposited into the account pursuant to [sections 3 through 11];
- 28           (ii)       the taxes collected pursuant to [section 5];

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1 (iii) registration fees deposited into the account pursuant to [sections 5 and 6]; and

2 (iv) civil penalties collected under [section 11].

3 (c) Except as provided in subsection (4), money in the account is statutorily appropriated, as  
4 provided in 17-7-502, to the department and the department of public health and human services, and may be  
5 used only for the purposes of administering the provisions of [sections 3 through 14] and for the following  
6 purposes:

7 (i) substance use prevention programs, including evidence-based community education and  
8 prevention initiatives;

9 (ii) treatment services for individuals experiencing substance use disorders, including referral  
10 services, recovery supports, and treatment capacity improvements;

11 (iii) epidemiological monitoring conducted by the department of public health and human services,  
12 including surveillance of adverse health events, poison control reporting, hospitalization tracking, and  
13 population-level monitoring of kratom use; and

14 (iv) youth prevention programs designed to reduce substance use among individuals under 21  
15 years of age, including school-based and community-based prevention efforts.

16 (2) The department of public health and human services may collaborate with state agencies, local  
17 governments, health care providers, and community organizations to implement programs funded under this  
18 section.

19 (3) The department, in conjunction with the department of public health and human services, shall  
20 provide an annual report to the governor, the economic affairs interim committee, and the children, families,  
21 health, and human services interim committee in accordance with 5-11-210 on the expenditures and program  
22 outcomes funded under this section.

23 (4) At the end of each fiscal year, the department shall transfer:

24 (a) funds in excess of a 3-month operating reserve necessary to fund operating costs at the  
25 beginning of the next fiscal year into the general fund; and

26 (b) the projected funds required by the department of public health and human services to  
27 implement prevention services pursuant to [sections 1 through 4] and this section to the department of public  
28 health and human services.

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**Section 15.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory

appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-316; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-218; 15-1-2307; 15-6-407; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; 15-70-433; 16-11-119; 16-11-509; [\[section 14\]](#); 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-6-214; 17-7-133; 17-7-215; 18-5-417; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-3-369; 20-7-1709; 20-8-107; 20-9-250; 20-9-516; 20-9-622; 20-15-328; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; [ 22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 33-22-1321; 37-1-125; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-4-1506; 44-12-213; 44-13-102; 53-1-109; 53-6-148; [ 53-6-152]; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 61-3-416; 67-1-309; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-11-708; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-2-203; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [ 85-25-102]; 87-1-603; 87-1-627; 87-5-909; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and any costs or fees associated with issuing, paying, securing, redeeming, or defeasing all bonds, notes, or other obligations, as due

**Provisional Draft**

For review by the Economic  
Affairs Interim Committee  
May 19, 2026

Interim 2025-2026

Kratom PD 1.1

1 in the ordinary course or when earlier called for redemption or defeased, that have been authorized and issued  
2 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of  
3 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined  
4 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have  
5 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the  
6 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement  
7 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410  
8 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental  
9 benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on  
10 occurrence of contingency; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates  
11 September 30, 2025; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30,  
12 2027; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027;  
13 pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2,  
14 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021,  
15 the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-  
16 10-1004 terminates June 30, 2027; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is  
17 effective July 1, 2027; pursuant to sec. 1, Ch. 20, L. 2023, sec. 2, Ch. 20, L. 2023, and sec. 3, Ch. 20, L. 2023,  
18 the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 2, Ch. 374, L.  
19 2023, the inclusion of 10-3-802 terminates June 30, 2031; pursuant to sec. 12, Ch. 558, L. 2023, the inclusion  
20 of 20-9-250 terminates December 31, 2029; pursuant to sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327  
21 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L. 2023, the inclusion of 17-7-133 terminates June 30,  
22 2027; pursuant to sec. 5, Ch. 129, L. 2025, the inclusion of 37-1-125 terminates June 30, 2031; pursuant to  
23 sec. 1, Ch. 181, L. 2025, and sec. 3, Ch. 181, L. 2025, the inclusion of 90-6-331 terminates June 30, 2035;  
24 pursuant to sec. 19, Ch. 420, L. 2025, the inclusion of 53-6-152 is effective on occurrence of contingency;  
25 pursuant to sec. 20, Ch. 420, L. 2025, the inclusion of 53-6-152 is void on occurrence of contingency; pursuant  
26 to sec. 21, Ch. 420, L. 2025, the inclusion of 53-6-152 terminates June 30, 2033; pursuant to sec. 5, Ch. 645, L.  
27 2025, the inclusion of 33-22-1321 terminates June 30, 2031; and pursuant to sec. 29, Ch. 767, L. 2025, the  
28 inclusion of 15-1-2307 terminates June 30, 2026.)"

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NEW SECTION. Section 16. Codification instruction. [Sections 1 through 14] are intended to be codified as a new chapter of Title 16, and the provisions of Title 16 apply to [sections 1 through 14].

NEW SECTION. Section 17. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 18. Effective date. [This act] is effective January 1, 2028.

- END -

