State of Louisiana
Office of Alcohol and Tobacco Control

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CHAD M. BROWN
ATC COMMISSIONER

ATC PUBLIC ADVISORY: 2026-004

Notice of Compliance

Publication Date: November 13, 2026

Removal of Kratom Signage and Advertisement

All ATC Permit Holders, Retailers, and Wholesalers,

Purpose

Effective August 1, 2025, Act 41 of the 2025 Regular Session classified mitragynine and 7-hydroxymitragynine (7-OH), the active components of kratom, as Schedule I controlled dangerous substances and added *Mitragyna speciosa* to the list of prohibited plants under the Uniform Controlled Dangerous Substances Law. More than a year after the law took effect, the Office of Alcohol and Tobacco Control (ATC) continues to receive complaints regarding signs, displays, and other advertising at licensed premises indicating that kratom or kratom products are available for sale.

This notice reminds all permit holders of their existing obligations and directs the removal of all kratom signage and advertising as prohibited by existing law and is intended to provide notice to all permittees of ATC's enforcement position.

Prohibited Conduct

Permit holders may not possess, permit on or about the licensed premises, sell, or offer for sale any controlled dangerous substance, including kratom and any product containing mitragynine, 7-hydroxymitragynine, or other kratom-derived compounds. This prohibition applies regardless of how a product is labeled or marketed, including but not limited to as a "herbal supplement," "botanical," or "Cat's Claw." By emergency rule effective September 18, 2026 (LAC 46:LIII.2704), the Louisiana Department of Health ("LDH") also placed mitragynine pseudoindoxyl ("MGPI"), MGM-15, and MGM-16, and any product containing any quantity of them, in Schedule I. Permit holders should review ATC Public Advisory No. 2026-002 and 2026-003, as supplemented, which identifies specific mislabeled products confirmed to contain these substances.

Offering for Sale

> ATC considers any sign, display, or other advertisement indicating that kratom or kratom-derived products are available to constitute an **offer for sale** of a controlled dangerous substance. Such advertising may be used as evidence in any administrative proceeding, regardless of whether product is located at the time of inspection.

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Permittee Responsibility

Permit holders are responsible for all violations of Title 26 of the Louisiana Revised Statutes and Title 55 of the Louisiana Administrative Code occurring on or about the licensed premises, including violations committed by employees and agents, regardless of the permit holder's knowledge.

Inspections

ATC may inspect the licensed premises, including all areas under the permit holder's control, at any time during business hours, and may seize and test any product found there.

Required Action

Effective immediately, each permit holder must:

1. Remove all signs, banners, window decals, displays, boards, listing, and any other similar methods that advertise or reference kratom or kratom-derived products, inside and outside the licensed premises;
2. Cease the sale or offer for sale, remove, destroy or surrender to ATC any product containing kratom or kratom-derived compounds, including products identified in Public Advisory No. 2026-002 and 2026-003 as supplemented. Products may be voluntarily surrendered to ATC as described in ATC Advisory 2023-003; and
3. Inform all employees, staff and managers of this notice and of the prohibition on possessing, selling, or offering kratom and other kratom related products for sale.

Permit holders found displaying such advertising or possessing such products after the date of this notice may be subject to enforcement action without further warning.

Consequences of Non-Compliance

Violations may result in administrative action against the permit, including fines, suspension, or revocation, under Title 26 and LAC Title 55. Possession and distribution of kratom are also criminal offenses under the Uniform Controlled Dangerous Substances Law, R.S. 40:961 et seq.

Questions

Questions regarding this notice may be directed to ATC at atc-attorneys@atc.la.gov. Permit holders are encouraged to consult legal counsel regarding their compliance obligations.

Sincerely,

Chad M. Brown
Commissioner
Office of Alcohol and Tobacco Control