

KNOW THE RULES

Selling Kratom, Phenibut, or Tianeptine Products

rev. 07/31/2026



Prohibited / Youth-Targeted Products

What Maryland Retailers Need to Know

Effective July 1, 2026, under Chapters 354 and 355 of the 2026 Maryland General Assembly Session, Maryland law prohibits retailers from selling, displaying, or advertising Unauthorized Consumable Products, including tianeptine products and noncompliant kratom or phenibut products. This advisory is for manufacturers, wholesalers, retail businesses, including convenience and grocery stores, gas stations, liquor stores, smoke shops, grocery stores, restaurants, and similar businesses.

What the Law Covers

A retailer may **not sell, distribute, display, expose for sale, or advertise an unauthorized consumable product**. "Advertise" includes packaging, labeling, signs, online posts, electronic messages, and other communications.

Displaying it means selling it: Under Maryland law, simply having an illegal product on your store shelves, behind the counter, or in a display case is legal proof that you are offering it for sale. You cannot store non-compliant products on retail premises.

DO

- ✓ Check your shelves, counters, display cases, storage areas, vending machines, and online listings to ensure the products comply with Maryland law.
- ✓ Remove tianeptine and phenibut products from sale.¹
- ✓ Review kratom labels before selling them. Check for exact alkaloid milligram disclosures.
- ✓ Keep supplier records and product documentation.
- ✓ Train employees to identify prohibited products and enforce the 21+ age limit.
- ✓ **Remove unverified products immediately:** Take any product off the shelf if you cannot independently verify that it fully complies with Maryland law.



- 1 "Kratom" or *Mitragyna speciosa* clearly stated
- 2 No medical or therapeutic claims
- 3 "Not for sale to persons under 21 years of age"
- 4 No cartoons, candy-style graphics, or youth-oriented imagery

Affirmative amounts of BOTH mitragynine and 7-OH (hydroxymitragynine) listed. Indeterminate ceilings such as "<," "<," "less than," or ranges are noncompliant.

- 5 7-OH does not exceed 1 mg per serving
- 6 7-OH does not exceed 2% of the total alkaloid composition

SEE THE REVERSE SIDE FOR FURTHER DETAILS

1. Federal FDA administrative guidance has formally classified phenibut as an unapproved drug and an unrecognized dietary ingredient, making all commercial phenibut products automatically illegal contraband under Maryland law. <https://bit.ly/phenibut-fda-warning>

DON'T

-  Don't sell, display, or advertise tianeptine or phenibut products in any form.
-  Don't sell kratom products to anyone under 21.
-  Don't sell kratom products with missing or incomplete labels. Labels must explicitly list the affirmative milligram amounts of **both** mitragynine and 7-hydroxymitragynine
-  **Don't sell products with vague or estimated labeling:** Labels must list the **exact affirmative milligram amount** of alkaloids. Labels that use symbols like " $\leq$ " (less than or equal to), "up to," or ranges (e.g., "10–15 mg") fail state disclosure rules and are subject to immediate seizure.
-  Don't sell kratom products with prohibited levels of 7-hydroxymitragynine (7-OH): Products that contain **more than 1 milligram of 7-OH per serving** or where **7-OH exceeds 2% of total alkaloids** are illegal contraband
-  Don't sell kratom products with synthetic alkaloids such as synthetic mitragynine or synthetic 7-OH.
-  Don't sell kratom products that are adulterated, contaminated, or mixed with dangerous substances.
-  Don't advertise kratom as providing health or therapeutic benefits. Such as pain relief, anxiety relief, or opioid withdrawal therapy.
-  **Don't market kratom to minors or use child-attractive packaging:** Do not sell products using cartoons, superheroes, video game references, neon colors, animals, or food packaging popular with children
-  **Don't put up exterior or window signs:** Do not place signs, posters, window decals, or outdoor banners advertising kratom or phenibut anywhere on the outside of your building or inside windows where passersby can see them.



Penalties for Violations

Violations may result in:

- ▶ ATCC citation or criminal charging document.
- ▶ Product seizure, confiscation, destruction, and forfeiture.
- ▶ Misdemeanor charge under Health-General laws: Fine up to \$5,000, up to 90 days imprisonment.
- ▶ Misdemeanor charge under Alcoholic Beverages & Cannabis laws: Fine up to \$5,000 (no jail time).
- ▶ Civil penalties up to \$1,000 for a first offense and up to \$2,000 for later violations for failing to disclose the factual basis for health or therapeutic claims on product labels.
- ▶ Court-ordered suspension or revocation of your business's State or local commercial licenses (including liquor, tobacco, or food service permits).
- ▶ Court-ordered disposal or destruction of seized products.
- ▶ Private civil lawsuits: Customers injured by products sold in violation of these laws can sue your business directly for damages.

Products That May Be Seized

ATCC may take, remove, destroy, or seek legal forfeiture of certain products that are not authorized for sale.

This may include products that are labeled, advertised, described, or sold as containing any of the following:

- ▶ Tianeptine sodium;
- ▶ Tianeptine sulfate;
- ▶ Beta-phenyl-gamma-aminobutyric acid HCl (Phenibut);
- ▶ More than 1 milligram of 7-hydroxymitragynine per serving; or
- ▶ For a kratom product, a level of 7-hydroxymitragynine that is more than 2% of the product's total alkaloid content.

In simple terms, retailers must not sell unauthorized consumable products that contain these ingredients or exceed state potency limits. Do not rely on packaging buzzwords like "wellness shot," "natural remedy," or "dietary supplement"—advertising health or therapeutic benefits without verified state/FDA substantiation is strictly illegal.

While compliant kratom products in formats like liquid extracts, drinks, capsules, or powders can be sold legally if they meet all potency and disclosure rules, non-compliant products in these exact formats are primary targets of active field inspections and will be summarily seized on sight.

Bottom Line

Do not sell, display, or advertise tianeptine or phenibut products. Do not sell kratom products unless you have confirmed the product, label, packaging, advertising, and age restrictions comply with Maryland law. When in doubt, take it off the shelf.

SCAN TO VIEW LAW



Questions?

If you have any questions regarding this information, please contact us by phone at **443-300-6990** or by email at **atcc.info@maryland.gov**