AMERICAN KRATOM ASSOCIATION
Protecting Consumer Access to Safe, Natural Kratom
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American Kratom Association Files Federal Lawsuit to Protect Natural Kratom Consumers from Misapplication of DEA Temporary Scheduling Order

Lawsuit seeks court clarification that incidental trace MGPI in traditional botanical kratom does not make natural kratom leaf a Schedule I substance

WASHINGTON, D.C. — August 27, 2026 — The American Kratom Association today announced it has filed a federal lawsuit in the United States District Court for the District of Columbia seeking declaratory and injunctive relief to ensure that the Drug Enforcement Administration's temporary scheduling order for mitragynine pseudoindoxyl (MGPI), MGM-15, and MGM-16 is not misapplied to traditional botanical kratom products that contain only incidental, naturally occurring, or naturally formed trace amounts of MGPI.

The complaint names the Drug Enforcement Administration, DEA Administrator Terrance C. Cole, and the U.S. Department of Justice as defendants. The lawsuit does not ask the court to invalidate DEA's temporary scheduling order in the first instance. Instead, AKA asks the court to confirm that the order does not apply to traditional botanical kratom products merely because modern testing may detect naturally occurring or naturally formed trace amounts of pseudoindoxyl.

"This lawsuit is about protecting consumers, preserving science-based regulation, and ensuring the DEA's action stays focused on the dangerous products that DOJ and DEA identified: deliberately manufactured, concentrated opioid compounds — not natural kratom leaf," said Mac Haddow, Senior Fellow on Public Policy for the American Kratom Association. "The AKA supports aggressive enforcement against chemically manipulated MGPI, MGM-15, and MGM-16 products. But responsible kratom consumers and legitimate botanical kratom businesses should not be put at risk because trace-level chemistry is detected in otherwise traditional botanical kratom."

The lawsuit cites DOJ's own public statement that the emergency scheduling action is directed at "deliberately manufactured and concentrated opioid products, not traditional botanical kratom." AKA's filing argues that DOJ's statement should control how the temporary scheduling order is interpreted, and that traditional botanical kratom should not be criminalized when trace MGPI is present only as a result of the plant's chemistry or ordinary post-harvest handling.

According to the complaint, the uncertainty arises because the agencies' public statements point in one direction — targeting enhanced, synthetic, and concentrated kratom-related opioid products — while the unqualified chemical listing in the temporary scheduling order could be read to reach traditional botanical kratom if trace MGPI is detected by modern analytical methods.

“The federal government made the right decision to target dangerous chemically manipulated opioid products,” Haddow said. “But that objective is undermined if legitimate natural kratom leaf products are swept into Schedule I because laboratories can now detect trace compounds at levels that do not present the public safety threat DEA sought to address.”

The complaint explains that mitragynine, 7-hydroxymitragynine, and pseudoindoxyl are chemically related, and that trace pseudoindoxyl may arise through botanical chemistry, ordinary post-harvest handling, storage, or analytical conditions — without intentional synthesis, enrichment, fortification, or addition. The filing also notes that accredited laboratory testing found trace pseudoindoxyl in unprocessed kratom leaf and botanical powder at levels far below the concentrated products that prompted DEA’s action.

AKA emphasized that it is not seeking protection for intentionally manufactured, concentrated, fortified, or enhanced MGPI products. The complaint states that AKA’s GMP participants do not manufacture or sell products intentionally fortified with pseudoindoxyl and do not challenge federal control of intentionally synthesized, isolated, enriched, fortified, or concentrated pseudoindoxyl products.

“What we are asking for is simple: enforce the law against the bad actors who manufacture and market dangerous opioid compounds, while protecting access to safely formulated, properly labeled, age-restricted natural kratom products,” Haddow said. “Consumers should not lose access to traditional botanical kratom because of an ambiguous emergency order that DOJ has already said is not aimed at botanical kratom.”

The lawsuit also points to DEA’s companion 7-OH scheduling approach, where DEA recognized the need for a threshold to distinguish botanical kratom containing naturally occurring trace 7-OH from enhanced or synthetic 7-OH products. AKA argues that the same kind of scientifically defensible threshold or objective line is needed for MGPI to prevent unintended consequences for traditional botanical kratom.

The complaint seeks a declaration that the temporary scheduling order does not apply to traditional botanical kratom products whose only pseudoindoxyl or MGM-related content is naturally occurring, naturally formed, or present only in trace quantities without intentional synthesis, isolation, enrichment, fortification, concentration, or addition. In the alternative, if DEA claims the order applies to traditional botanical kratom, AKA asks the court to set aside or enjoin that application and require a reasoned, scientifically defensible standard.

“This litigation is necessary because responsible companies, laboratories, researchers, and consumers need clarity now,” Haddow said. “Without clarification, the very testing and quality-control systems that protect consumers could become the basis for enforcement risk. That is bad science, bad policy, and bad consumer protection.”

AKA reiterated its support for strong federal and state action against chemically manipulated opioids falsely marketed as kratom, including MGPI, MGM-15, MGM-16, and high-potency 7-OH products. At the same time, AKA called on regulators to maintain a clear distinction between dangerous manufactured opioid compounds and traditional botanical kratom.

“The right policy is not confusion,” Haddow said. “The right policy is targeted enforcement against dangerous chemically manipulated opioids, paired with clear federal standards for natural kratom products that protect consumers and preserve access.”

About the American Kratom Association

The American Kratom Association is a consumer advocacy organization committed to protecting access to safe, natural kratom leaf products and advancing science-based consumer protection standards. AKA supports age restrictions, accurate labeling, contaminant testing, good manufacturing practices, and strong enforcement against adulterated, mislabeled, synthetic, semi-synthetic, concentrated, fortified, or chemically manipulated products falsely marketed as kratom.

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