AMERICAN KRATOM ASSOCIATION
Protecting Consumer Access to Safe, Natural Kratom
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American Kratom Association Files Federal Lawsuit to Resolve DOJ/DEA MGPI Enforcement Discretion Gap

AKA asks federal court to protect natural kratom consumers and responsible businesses from unintended Schedule I consequences caused by non-enhanced trace MGPI in botanical kratom

WASHINGTON, D.C. — September 2, 2026 — The American Kratom Association today announced that it has filed federal litigation against the U.S. Department of Justice, the Drug Enforcement Administration, and DEA Administrator Terrance C. Cole to resolve a critical uncertainty created by DEA's temporary scheduling order for mitragynine pseudoindoxyl (also known as MGPI or MP), MGM-15, and MGM-16.

The AKA's lawsuit does not seek, in the first instance, to invalidate DEA's emergency action against dangerous chemically manipulated opioid products. Instead, the lawsuit asks the court to confirm that the temporary scheduling order does not apply to traditional botanical kratom products merely because modern testing may detect incidental, naturally occurring, or naturally formed trace amounts of MGPI. The complaint expressly states that AKA is seeking declaratory and injunctive relief to resolve urgent uncertainty created by DEA's order.

“This lawsuit is about making sure DOJ and DEA's stated intent is reflected in the enforceable law,” said Mac Haddow, Senior Fellow on Public Policy for the American Kratom Association. “DOJ publicly recognized that incidental trace MGPI in otherwise botanical kratom should be treated differently. But unless that policy is incorporated into the actual scheduling order or clarified by the court, consumers and responsible companies remain at risk.”

The DOJ press release announcing the emergency scheduling action stated that the action is directed at “deliberately manufactured and concentrated opioid products, not traditional botanical kratom.” DOJ also stated that it “will exercise enforcement discretion when only incidental trace amounts of MGPI are confirmed in a product otherwise consistent with botanical kratom.”

The problem, AKA explained, is that federal enforcement discretion announced in a press release does not bind state and local law enforcement agencies, county prosecutors, regulatory inspectors, or every official who may read the Schedule I listing literally. The DEA order itself lists MGPI without a corresponding botanical trace threshold, creating the risk that traditional kratom products could be mischaracterized as Schedule I controlled substances solely because highly sensitive testing detects incidental trace MGPI.

“Enforcement discretion is not enough,” Haddow said. “A press release cannot protect a consumer from a local arrest, a retailer from seizure of inventory, a laboratory from compliance uncertainty, or a responsible manufacturer from felony-level allegations that DOJ and DEA clearly did not intend.”

The AKA supports the emergency scheduling of dangerous products containing manufactured, concentrated, fortified, intentionally added, or chemically manipulated MGPI, MGM-15, and MGM-16. The lawsuit makes clear that AKA does not seek protection for those products and does not challenge federal control of intentionally synthesized, isolated, enriched, fortified, or concentrated pseudoindoxyl products.

The complaint explains that mitragynine, 7-hydroxymitragynine, and pseudoindoxyl are chemically related, and that trace pseudoindoxyl may arise through the plant's inherent chemistry, ordinary post-harvest handling, storage, or analytical conditions. AKA argues that trace detection is not proof of chemical manipulation, fortification, or synthetic manufacturing.

The solution, AKA said, is straightforward: DOJ and DEA should either amend the temporary scheduling order or accept a court declaration confirming that traditional botanical kratom is not controlled merely because incidental trace MGPI is detected. DEA has already proposed a threshold-based approach for 7-OH products, recognizing the need to distinguish naturally occurring trace levels in botanical kratom from dangerous enhanced and chemically manipulated products. AKA is asking for the same scientifically defensible approach for MGPI.

“This litigation is necessary because ambiguity in controlled-substance law has real consequences,” Haddow said. “Manufacturers can lose inventory. Retailers can be shut down. Consumers can be threatened with criminal penalties. Laboratories can be discouraged from using the most accurate testing methods. That is not consumer protection — it is regulatory confusion.”

“The American Kratom Association will continue to support strong action against MGPI, MGM-15, MGM-16, and enhanced 7-OH products that put consumers at risk,” Haddow said. “But we will also fight to make sure natural kratom leaf consumers are not swept into a Schedule I regime that DOJ and DEA never intended for them.”

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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