ASSEMBLY, No. 5359

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED SEPTEMBER 10, 2026

Sponsored by:
Assemblyman MICHAEL INGANAMORT
District 24 (Morris, Sussex and Warren)
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District 36 (Bergen and Passaic)
Assemblyman CODY D. MILLER
District 4 (Atlantic, Camden and Gloucester)

Co-Sponsored by:
Assemblyman Scharfenberger

SYNOPSIS
Classifies 7 Hydroxymitragynine as Schedule I drug.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 10/29/2026)

AN ACT concerning the classification of drugs and substances and amending P.L.1970, c.226.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 5 of P.L.1970, c.226 (C.24:21-5) is amended to read as follows:

5. a. Tests. The director shall place a substance in Schedule I if he finds that the substance: (1) has high potential for abuse; and (2) has no accepted medical use in treatment in the United States; or lacks accepted safety for use in treatment under medical supervision.

b. The controlled dangerous substances listed in this section are included in Schedule I, subject to any revision and republishing by the director pursuant to subsection d. of section 3 of P.L.1970, c.226 (C.24:21-3), and except to the extent provided in any other schedule.

c. Any of the following opiates, including their isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetylmethadol
(2) Allylprodine
(3) Alphacetylmethadol
(4) Alphameprodine
(5) Alphamethadol
(6) Benzethidine
(7) Betacetylmethadol
(8) Betameprodine
(9) Betamethadol
(10) Betaprodine
(11) Clonitazene
(12) Dextromoramide
(13) Dextrorphan
(14) Diampromide
(15) Diethylthiambutene
(16) Dimenoxadol
(17) Dimepheptanol
(18) Dimethylthiambutene
(19) Dioxaphetyl butyrate
(20) Dipipanone
(21) Ethylmethylthiambutene
(22) Etonitazene
(23) Etoxeridine

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined <u>thus</u> is new matter.

(24) Furethidine
(25) Hydroxypethidine
(26) Ketobemidone
(27) Levomoramide
(28) Levophenacylmorphan
(29) Morpheridine
(30) Noracymethadol
(31) Norlevorphanol
(32) Normethadone
(33) Norpipanone
(34) Phenadoxone
(35) Phenampromide
(36) Phenomorphan
(37) Phenoperidine
(38) Piritramide
(39) Proheptazine
(40) Properidine
(41) Racemoramide
(42) Trimeperidine.

d. Any of the following narcotic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine
(2) Acetylcodone
(3) Acetyldihydrocodeine
(4) Benzylmorphine
(5) Codeine methylbromide
(6) Codeine-N-Oxide
(7) Cyprenorphine
(8) Desomorphine
(9) Dihydromorphine
(10) Etorphine
(11) Heroin
(12) Hydromorphinol
(13) Methyldesorphine
(14) Methylhydromorphine
(15) Morphine methylbromide
(16) Morphine methylsulfonate
(17) Morphine-N-Oxide
(18) Myrophine
(19) Nicocodeine
(20) Nicomorphine
(21) Normorphine
(22) Phoclodine
(23) Thebacon
(24) 7 Hydroxymitragynine.

e. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) 3,4-methylenedioxy amphetamine

(2) 5-methoxy-3,4-methylenedioxy amphetamine

(3) 3,4,5-trimethoxy amphetamine

(4) Bufotenine

(5) Diethyltryptamine

(6) Dimethyltryptamine

(7) 4-methyl-2,5-dimethoxylamphetamine

(8) Ibogaine

(9) Lysergic acid diethylamide

(10) Marijuana; except that on and after the effective date of the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.), marijuana shall no longer be included in Schedule I and shall not be designated or rescheduled and included in any other schedule by the director pursuant to the director's designation and rescheduling authority set forth in section 3 of P.L.1970, c.226 (C.24:21-3).

(11) Mescaline

(12) Peyote

(13) N-ethyl-3-piperidyl benzilate

(14) N-methyl-3-piperidyl benzilate

(15) Psilocybin

(16) Psilocyn

(17) Tetrahydrocannabinols, including those produced by way of manufacture, except when found in hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.), or cannabis or a cannabis item, as those terms are defined in section 3 of P.L.2021, c.16 (C.24:6I-33), that is grown, cultivated, produced, manufactured, or sold in accordance with the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P.L.2021, c.16 (C.24:6I-31 et al.).

(cf: P.L.2024, c.73, s.3)

2. This act shall take effect immediately.

STATEMENT

This bill would classify 7 hydroxymitrgynine (7-OH) as a Schedule I controlled dangerous substance.

7-OH is one of the psychoactive alkaloids naturally found in the Mitragyna speciosa plant, commonly known as Kratom. 7-OH, in higher concentrations when metabolized by the body, can produce

opioid-like effects and can have similarly addictive qualities. Kratom, which contains 7-OH in lower concentrations in its natural form, is frequently marketed for its psychoactive and opioid-like analgesic effects and for use in the treatment of certain opioid addictions and withdrawal symptoms, a treatment which has not been conclusively proven.

The federal Food and Drug Administration (FDA) has advised that 7-OH poses a threat to public health and has the potential for abuse because of its ability to blind opioid receptors in the brain. The FDA has issued a number of warnings and conducted seizures of illegally sold, unapproved, or misbranded drug products containing potentially lethal doses of synthetic 7-OH, which contain higher concentrations of the psychoactive alkaloid. Currently, Kratom and 7-OH have not been approved by the FDA for any medical use. Further, on July 29, 2025, the FDA also recommended that 7-OH be scheduled under the federal "Controlled Substances Act," 21 U.S.C.s.812. Until the drug is scheduled under the federal act, 7-OH is not presently barred by federal law. It is also not presently barred by New Jersey law.

Under this bill, 7-OH would be classified as a Schedule I drug in this State. 7-OH would be placed on the Schedule I list of the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et seq.), which would define the drug as a substance that: (1) has high potential for abuse; and (2) has no accepted medical use in treatment in the United States; or lacks accepted safety for use in treatment under medical supervision.

By classifying 7-OH as a Schedule I drug, under the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et seq., the drug would be considered illegal controlled dangerous substances for which manufacturing, distribution, or possession with intent to manufacture or distribute would be punishable as either: a crime of the second degree, if the act involved a quantity of one ounce or more; or a crime of the third degree, if the act involved less than one ounce.