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## Committees

Ways & Means, *Chair*  
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Chair S. Huffman, vice chair Johnson, and ranking member Antonio, thank you for the opportunity to testify on SB 103, the Ohio Kratom Consumer Protection Act. This bill mirrors HB 318 from the 133<sup>rd</sup> GA and is similar to HB 236 from the last GA. This legislation seeks to establish kratom product standards, labeling requirements, age restrictions, and rulemaking so that consumers can safely buy and use kratom. For purposes of the bill, “kratom product” means any food that contains any part of a kratom plant leaf.

Kratom is a tree in the coffee family, grown primarily in Southeast Asia. It has a long history of use in its native area and has grown in popularity in North America and Europe over the last several decades. Kratom leaves are typically consumed orally in the form of a tablet, capsule, extract, or ingested as tea. It is estimated that as many as 10 million Americans consume kratom for a variety of reasons. Based on survey data, most kratom consumers use it as an alternative to coffee for its caffeine-like alerting and focusing effects or to improve their mood. There are about 20 – 25% of consumers who use kratom because it addresses some health need and is either more effective or more acceptable than FDA-approved medicines to manage pain or opioid withdrawal. It is important to note: kratom, in its natural state, has no psychedelic, euphoric or hallucinogenic effects, and it does not get users “high”.

Like coffee, kratom contains many alkaloids. One mimics some of caffeine’s alerting effects and has mild pain-relieving properties, but without the brain-rewarding addictive nature and lethal respiratory depressing effects of opioids. Often cited in news reports, these alkaloids bind to the mu-opioid receptors in the human brain. However, this does not qualify kratom as an opioid. Many substances we consume regularly, such

as chocolate and cheese, contain alkaloids that also bind to these same receptors in our brains.

The Ohio Board of Pharmacy, in reaction to a report of 44 deaths worldwide over several years connected to kratom, proposed a rule in 2018 that would ban the sale and use of kratom in Ohio. When these statistics are examined, nearly every one of these deaths can be attributed to one of two causes: poly-drug use or adulterated kratom products. It appears that, in limited cases, bad actors in the supply chain have taken advantage of the growing popularity of kratom, particularly among those suffering from opioid addiction, by mixing other compounds into the plant to produce an unnatural high. Natural kratom is not causing these adverse effects – adulterated kratom is. SB 103 seeks to address that problem.

SB 103 would establish the following as a means to protecting consumers:

- Require food processing and retail establishments to register kratom products with the Director of Agriculture in order to distribute and sell
- Require food processing and retail establishments to disclose on labels the basis that it is representing a food as a kratom product
- Prohibit establishments from selling or distributing kratom products to individuals under 18
- Require the Director of Agriculture and Director of Health to adopt rules regarding kratom products and exempt those rules from requirements governing the elimination of existing regulatory restrictions
- Create a civil cause of action for someone adversely affected by a violation of the kratom product requirements

Similar Kratom Consumer Protection Acts have been passed in Utah, Georgia, Arizona and Nevada. The regulation of kratom products is necessary so that Ohioans can safely consume kratom from food processing and retail establishments for pain management and opioid withdrawal. No regulations on kratom products poses the risk of adulterated kratom and its adverse effects to consumers.

This is an issue that is important to many Ohioans and deserves thorough debate in the legislature. It is my hope that this committee will hear from consumers, scientists, and detractors of kratom and determine the best policy for our state. Thank you for your consideration of SB 103. I am happy to answer any questions from the committee.