

C H E A P _
TOBACCO

Ohio Senate
Health Committee
Senate Bill 103, Kratom Consumer Protection Act

Proponent Testimony of Dennis Harper
Owner of Compton Point, Inc.
D/B/A Cheap Tobacco

September 27, 2023

Chairman Huffman, Vice Chair Johnson, Ranking Member Antonio, and Members of the
Senate Health Committee:

Thank you for the opportunity to submit this SB 103 proponent testimony on behalf of Ohio-based company **Compton Point, Inc.**, with corporate headquarters in Cincinnati, Ohio, and our thousands of customers statewide who also strongly support this bill. Compton Point operates a manufacturing facility making tubes for cigarettes and also manages 35 small, Ohio-based tobacco retail outlets operated under the trade name “Cheap Tobacco.” Our stores are tobacco specialty shops and sell all manner of products including cigarettes, cigars, and Kratom. All told, we proudly employ over 150 Ohioans across the communities we serve.

We strongly support SB 103, which proposes to create common sense regulations on Kratom products. As a small business, our store managers regularly receive customer feedback and ensure we are meeting their needs and able to keep up with demand—which of course helps us decide how to stock our shelves. In recent years we have been inundated with comments on the positive impact of Kratom products and have seen the category grow, as it has nationwide. From assisting with pain relief, to generally enhancing energy, to mitigating symptoms of depression, we regularly hear from our customers who tell us they derive these and other significant health and wellness benefits from Kratom.

Kratom is a plant grown primarily in Indonesia. Our customers most often mix Kratom leaves into water or tea, or take it in tablet form. They indicate the plant can improve focus, attention, and mood. Some customers take the plant to manage pain or opioid withdrawal. It has undoubtedly produced a positive impact on hundreds of our customers’ lives, which is why the legislature, the State Board of Pharmacy, and the FDA have been overwhelmed with positive comments from the public about Kratom’s beneficial attributes.

We understand through independent research and in speaking with customers, that there are some misconceptions about Kratom. For example, some have expressed concern over possible injuries or deaths resulting from Kratom consumption. To be clear, we understand that in nearly all deaths where Kratom was detected in the decedent, other highly dangerous substances such as fentanyl were also present. In fact, the National Institute on Drug Abuse has concluded that “most Kratom associated deaths appear to have resulted from adulterated products or taking Kratom along with other potent substances.”¹

¹ See Jack E. Henningfield, *A Reply to CDC Report on Unintentional Drug Overdose Deaths with Kratom Detected* (Issued April 16, 2019).

To ensure the safe consumption of Kratom and minimize adverse incidents moving forward, SB 103 proposes to regulate the plant while still allowing it to be purchased and sold. In particular, the bill would prohibit adulterated Kratom products, including mixing Kratom with any dangerous non-Kratom substance such as those listed on the Ohio controlled substances list. The bill would also introduce product labeling requirements and prohibit the sale of Kratom to individuals under 18 years of age.

SB 103 is a far better option than an outright ban on Kratom, which the Ohio Board of Pharmacy proposed last year. During hearings on the Board's proposed ban, dozens of Ohio residents provided compelling testimony requesting that the state carefully consider the evidence and not place the plant on the state's Schedule I controlled substances list. In response to this grassroots advocacy and the introduction of SB 103, the board removed the ban from consideration. Note similar grassroots efforts have resulted in the enactment of Kratom legislation in Utah, Georgia, Arizona, and Nevada. Regulation is appropriate. The blunt instrument of a statewide, blanket regulatory ban on a substance that thousands of Ohioans are consuming safely and to their benefit is not.

Again, on behalf of our company and our customers, we are grateful to Senator Blessing for his leadership in bringing this legislation forward so the committee can educate itself about Kratom and consider common sense regulations that do not throw the baby out with the bath water. We urge the committee to carefully consider this issue and approve SB 103.

Thank you for the opportunity to testify.