Ohio Senate
General Government Committee
March 24, 2026
Proponent Testimony on SB 299

Chair Roegner, Vice Chair Gavarone, Ranking Member Blackshear and members of the Senate General Government Committee, thank you for the opportunity to provide testimony on Senate Bill 299. My name is Kevin Roy and I am the Chief Public Policy Officer for Shatterproof, a national nonprofit, nonpartisan organization focused on addiction. We work across the country to promote evidence-based public policies that address substance use disorder and protect public health, especially for young people. We appreciate the opportunity to provide testimony in strong support of Senate Bill 299.

Thank you for your leadership in addressing the rapidly evolving marketplace for kratom products through Senate Bill 299. We are grateful for the legislature's commitment to protecting young people and consumers while establishing a regulatory framework that provides clarity for manufacturers, retailers, and adults who choose to use natural leaf kratom products.

Kratom products are increasingly available in retail settings across the country, often with little oversight regarding potency, labeling, or product composition. In recent years, the marketplace has shifted away from traditional plant material toward highly concentrated products and synthetic derivatives that may pose greater safety risks. In response to this shift, policymakers in many states have begun updating their regulatory frameworks to address these developments.

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One state that provides useful lessons is Utah, which has regulated kratom for more than seven years. After observing the emergence of highly concentrated extracts and synthetic derivatives these past few years, Utah policymakers recently strengthened their approach through new legislation designed to protect youth while preserving access for adults to traditional kratom leaf products. These updates provide a helpful roadmap for other states considering similar policies.

We commend Ohio for taking important initial steps, including prohibiting synthetic kratom compounds and establishing product registration requirements. Building on that foundation, Ohio has an opportunity to further strengthen the bill by incorporating several policies that align with the lessons learned in Utah.

Priority Recommendations to Strengthen Youth Protections

1. Establish a Minimum Purchase Age of 21

Given the psychoactive nature of kratom products and the rapid growth of highly concentrated formulations, establishing a **minimum purchase age of 21** is one of the most effective ways to reduce youth access and exposure. Many states, including Utah, have moved toward a 21+ standard for kratom products. Aligning kratom sales with other age-restricted products helps ensure stronger protections for adolescents and young adults.

2. Ensure Language is Specific Enough to Prohibit High-Potency 7-OH Products

A major concern in the modern kratom marketplace is the emergence of products containing elevated levels of 7-OH, an alkaloid that is significantly more potent than the naturally occurring mitragynine found in kratom leaf. Ohio could strengthen this legislation by more clearly restricting or prohibiting concentrated 7-OH products and synthetic derivatives, ensuring that the legal marketplace does not shift toward increasingly potent formulations. Utah recently took action to address this issue with more specific language.

> *Utah Example: Schedules 7-hydroxymitragynine, including synthetics, if the 7-hydroxymitragynine concentration exceeds a certain percentage, as a Schedule I controlled substance. That "certain percentage" is defined in the enacted framework as **0.4%**, which is aligned with naturally occurring levels in kratom leaf.*

3. Strengthen Definitions: Natural Leaf Kratom v. Synthetics, etc.

Many policymakers have expressed interest in ensuring that regulations focus on higher-risk products while preserving access for adults to traditional kratom leaf.

Utah's framework increasingly distinguishes between:

- Natural kratom leaf products (crushed or powdered dried leaf material), and
- Synthetic compounds, chemically modified alkaloids, and highly concentrated extracts

Ohio could strengthen this bill by clearly defining natural leaf kratom products and limiting the legal market to products that more closely resemble traditional plant material. Many KCPA-style bills around the country specify "concentrated form," which is intentionally broad language.

> *Utah offers improved definitional clarity: "a preparation containing any part of the Mitragyna speciosa plant in a concentrated form."* This language captures shots, isolates, enhanced powders, resins, and drinks. Prevents rebranding extracts as "supplements" or "blends."

4. Strengthen Regulatory Oversight and Enforcement

Utah's regulatory system also provides a useful example of how states can structure oversight and enforcement. Utah's approach includes coordinated oversight across several agencies, including the Utah Department of Agriculture and Food, which is responsible for product registration and regulatory enforcement, along with additional state agencies that oversee retail compliance and consumer protections.

Key elements of Utah's oversight framework include:

- Product registration requirements before kratom products may be sold
- Processor ***and*** manufacturer registration to improve supply-chain transparency (Ohio bill currently looks like it is focuses on retailers --- need to include processors as well as retail in registration) + need graduated penalty structure – increasing fines – Utah makes 3rd violation a felony.
    - *"A kratom processor or kratom retailer who violates Subsection (1) is guilty of:*
      (a) a Class B misdemeanor for the first violation;
      (b) a Class A misdemeanor for a second violation; and
      (c) a third degree felony for any subsequent violation."

  A third-degree felony in Utah can carry up to 5 years imprisonment and up to $5,000 fine. This escalation is intended to deter repeat violations by manufacturers and retailers.

5. Restrict Sales to Age-Restricted Retailers

Utah has taken steps to limit kratom sales to age-restricted retail environments, rather than general retail settings such as convenience stores and gas stations. Restricting sales locations can reduce youth exposure and help ensure retailers are better equipped to comply with age verification and product requirements.

6. Strengthen Product Testing Requirements

This bill requires certificates of analysis documenting alkaloid content, which is an important step. However, the law could be strengthened by specifying that kratom products must undergo independent *third-party* laboratory testing for alkaloid concentration, heavy metals, microbial contamination, and adulterants or synthetic compounds

Conclusion

This bill represents an important opportunity for Ohio to establish a thoughtful regulatory framework for kratom products. By incorporating several of the lessons learned in states such as Utah, Ohio can create a policy approach that:

- Prioritizes youth protections
- Prevents the spread of highly potent or synthetic kratom products
- Preserves responsible access for adults to traditional kratom leaf products
- Provides regulators with the tools needed to ensure consumer safety

We appreciate the legislature's thoughtful consideration of these issues and would welcome the opportunity to serve as a resource as the bill continues to move forward. Thank you for your leadership in protecting the health and safety of Ohio residents.