

Neutral Testimony on HB 2056
Senate Committee on Federal and State Affairs
by Kenneth Titus, Chief Counsel
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Good morning Chairman Olson and members of the Committee. I am Kenneth Titus and I am the Chief Counsel for the Kansas Department of Agriculture (KDA). I appreciate the opportunity to provide neutral testimony regarding House Bill 2056.

House Bill 2056 would require KDA to license kratom dealers and otherwise regulate the sale and production of kratom and kratom products. KDA has worked with the proponents of this bill to develop an adequate licensure and regulatory framework and from a licensing standpoint, KDA has no objections to the bill as written.

While KDA should be able to implement the requirements of HB 2056, the requirements placed upon KDA and kratom dealers will not guarantee that kratom is safe for the public to consume. According to the U.S. Food and Drug Administration (FDA), kratom cannot be legally marketed in the United States as a drug or dietary supplement even though it is often advertised to have medicinal benefits. In most cases, kratom is an illegal food additive under both federal and state law. The U.S. Drug Enforcement administration has listed kratom as a “drug and chemical of concern.”¹

KDA’s primary concern is that some consumers may view the issuance of a KDA license as assurance that kratom is safe for human consumption. The testing required by the bill does not substantially lower the risk factors associated with consumption of kratom. FDA is warning consumers not to use kratom because it affects the same opioid brain receptors as morphine and appears to have properties that expose users to the risks of addiction, abuse, and dependence.

There are no FDA-approved uses for kratom, and the FDA has received concerning reports about the safety of kratom. FDA is actively evaluating all available scientific information on this issue and continues to warn consumers not to use any products labeled as containing the botanical substance kratom or its psychoactive compounds. Kratom is known to contain high levels of salmonella and heavy metals.² FDA has also restricted the ability to import kratom and issued an import alert and authorized the seizure of kratom products without physical examination.³

¹ *Kratom Drug Fact Sheet*, U.S. Department of Justice/U.S. Drug Enforcement Administration, April 2020 available at https://www.dea.gov/sites/default/files/2020-06/Kratom-2020_0.pdf

² See e.g., <https://www.fda.gov/news-events/public-health-focus/fda-and-kratom> and <https://www.fda.gov/news-events/press-announcements/fda-issues-warnings-companies-selling-illegal-unapproved-kratom-drug-products-marketed-opioid>.

³ Import Alert 54-15, U.S. Food & Drug Administration, available at https://www.accessdata.fda.gov/cms_ia/importalert_1137.html.

KDA respectfully requests that the committee carefully consider whether it is in the public interest to pass House Bill 2056 at this time because of the FDA's concerns with human consumption of kratom and the inability of KDA to make kratom safe for consumers despite licensing kratom dealers and products. If the FDA later determines that kratom is safe for human consumption, then this bill should be reconsidered.