

TESTIMONY IN SUPPORT OF HOUSE BILL 1628

Global Kratom Coalition | North Dakota

Chairman and members of the Committee, thank you for the opportunity to testify today.

My name is Matthew Lowe, and I am the Executive Director of the Global Kratom Coalition, or GKC.

We are here today in support of House Bill 1628 to establish a regulatory framework for natural kratom in North Dakota, and we support amendments that strengthen and clarify that framework while preserving access to traditional natural kratom products.

I also want to address directly an alternative that we understand may be proposed: a complete ban on natural kratom.

We strongly oppose that approach.

North Dakota currently does not have a comprehensive regulatory structure governing kratom. This legislation gives the state an opportunity to create one, with age restrictions, labeling requirements, product standards, restrictions on synthetic products, and meaningful enforcement authority.

That is the appropriate response to what has changed in this market.

And something has clearly changed.

Natural kratom leaf has been consumed for generations in South East Asia and has been available in the United States for decades. It did not suddenly become a different substance in over the past few years.

What changed was the emergence and rapid proliferation of highly concentrated, chemically converted 7-OH and other synthetic derivatives.

These products are being sold in tablets and other formats containing quantities of synthetic 7-OH, and concentrations of more than 1000 times higher than the trace amounts found in natural

kratom leaf. These products are not kratom – they are novel opioids that masquerade as kratom and are the reason for much of the harm you have seen across the country

This distinction is important because it is also the distinction now being made by the federal government.

DEA has moved to place synthetic kratom derivatives, including mitragynine pseudoindoxyl, MGM-15, and MGM-16, into Schedule I, while separately pursuing action against concentrated 7-OH. At the same time, federal officials have specifically distinguished those products from natural kratom leaf and have been clear that natural kratom leaf is not affected by this action.

North Dakota's own poison-center data also tell us that we should look carefully at what changed.

There was 1 kratom-related poison-center call in North Dakota in 2021.

There was 1 in 2022.

There were 5 in 2023.

There were 7 in 2024.

Then there were 22 in 2025.

We should not dismiss that increase. We should address it.

But the timing matters.

The cited deaths deserve the same careful analysis.

North Dakota has cited 50 deaths where mitragynine was detected between 2019 and June 2026. Every one of those deaths matters. But the state's own records show that 26 of the 50 were toxicology detections only - the substances were not listed as a primary or contributing cause of death.

Twenty-four remained. Of the 23 cases where kratom or its metabolites were listed as part of the cause, 19 of those - **83 percent** - were combined toxicities involving other substances or circumstances. Those other substances or circumstance were – Fentanyl, Heroin, Meth, Alcohol and suicide.

That is not a reason to dismiss the deaths. It is a reason to be precise about what they prove. They do not establish that natural kratom leaf is responsible for the harms being used to justify a blanket ban.

If natural kratom leaf had been available for years while adverse events were low, and the increase occurs alongside the proliferation of a new category of concentrated 7-OH products, the rational public-policy response is to target the new products while establishing appropriate protections for the traditional market.

That is what this legislation allows North Dakota to do.

We are not here to tell you that natural kratom is risk-free. It is not.

Kratom can be habit-forming. Consumers should be warned about interactions. Products should be appropriately tested and labeled. Minors should not be purchasing them. Companies should not be permitted to manufacture chemically converted products and then market them as though they were traditional botanical kratom.

Those are arguments for regulation, much of what is addressed in this bill.

But we strongly urge you to reject any amendment that would replace this regulatory framework with a blanket ban on natural kratom.

A blanket ban would eliminate the distinction between traditional botanical kratom and the new high-potency synthetic products that created this concern in the first place.

And importantly, the Legislature does not need to choose between doing nothing and banning everything.

You have another bill before you specifically addressing the synthetic derivatives.

That creates a very straightforward policy framework:

Schedule and prohibit the dangerous synthetic products.

Regulate the traditional botanical products that remain.

Together, those approaches would provide North Dakota with substantially greater consumer protection than exists today, while avoiding the unintended consequences of prohibition for responsible adult consumers who currently rely on natural kratom products.

The question I would ask as you consider a full-ban amendment is simple:

If North Dakota prohibits synthetic derivatives, establishes a 21-and-over market, imposes product standards, requires appropriate labeling, and gives regulators enforcement authority, what remaining problem requires banning natural kratom altogether?

We believe regulation is the more targeted, evidence-based response.

Thank you for your time, and I welcome any questions.

Matthew Lowe
Executive Director of the Global Kratom Coalition