

Testimony in Support of Regulating Traditional Kratom, With Requested Changes to HB 1628

My name is Alexis Newton, and I am the owner of Elevate Vapor, a small locally owned retail business in Mandan, North Dakota. I am submitting this testimony because the decisions being made regarding kratom directly affect my business, my customers, and many North Dakotans who have responsibly used traditional kratom products.

First, I want to make it clear that I am not against regulation. I actually believe there should be reasonable regulations surrounding kratom. I support age restrictions, responsible retail practices, appropriate testing and labeling, and regulations that help keep unsafe, adulterated, or misleading products off the market.

I also understand why concerns surrounding 7-hydroxymitragynine, highly concentrated products, and other newer products have brought much more attention to this industry.

However, I strongly believe traditional kratom leaf needs to be treated differently.

I have personally watched many customers genuinely benefit from traditional kratom when it is used responsibly. These are real people in our community. They are not all people looking to get high or abuse a substance. Many are adults who have found traditional kratom useful in their lives and who specifically choose it over other options.

As a retailer, I take the responsibility of selling these products seriously. A huge part of what I do is education. I spend a tremendous amount of time learning about the products I carry so that I can have honest conversations with customers about what they are buying, what the risks are, and how different products compare. That honesty has sometimes meant talking customers out of purchasing a product, even when making the sale would have financially benefited my business. During the rise in popularity of 7-OH products, I had conversations

with customers about the difference between those products and traditional kratom and warned people when I believed they were heading toward something that carried significantly greater risks.

I say that because I believe responsible small retailers can actually be part of the solution. That is also why I am extremely concerned about the proposed \$10,000 initial retailer licensing fee.

For a small independent business like mine, \$10,000 is not simply a licensing fee. It can be the difference between being allowed to participate in the legal market and being completely shut out of it.

The businesses most capable of easily paying a \$10,000 fee per location are large companies and large retail chains with significantly more financial resources. Those are not necessarily the businesses that will provide the most education, spend the most time with an individual customer, or care the most about

responsible use. Their business models can often depend on volume—selling as much product as possible to as many people as possible.

Small businesses operate differently.

I know my customers. I talk to them. I answer their questions. I hear their experiences. I learn which products are helping them and which products are causing problems. If I am concerned about something someone is using, I can have that conversation with them.

Creating a \$10,000 barrier to entry risks eliminating exactly the type of responsible small retailers that North Dakota should want participating in a regulated kratom market.

If the goal of HB 1628 is consumer protection, regulation should encourage responsible businesses to comply—not make compliance financially impossible for them.

I respectfully ask legislators to significantly reduce the initial licensing fee or consider a tiered licensing structure that recognizes the

difference between a small locally owned retailer and a large multi-location company, distributor, or manufacturer.

I also ask that retailers be given a reasonable implementation period to understand and comply with new requirements once final regulations are established. Small businesses do not have compliance departments or attorneys on staff. We need clear rules, reasonable timelines, and access to the information necessary to determine whether the products supplied to us are compliant.

I support keeping traditional kratom available to adults in North Dakota under reasonable regulations. I support keeping unsafe and improperly manufactured products out of our stores. I support education, testing, transparency, responsible retailing, and protecting consumers.

What I do not support is creating regulations that unintentionally hand this entire market to the companies with the deepest pockets while

pushing responsible local businesses out.
Please preserve access to traditional kratom,
maintain a meaningful distinction between
traditional kratom and highly concentrated or
synthetic derivatives, and amend the licensing
requirements so responsible North Dakota small
businesses actually have a realistic path to
compliance.

Small businesses like mine are willing to be part
of the solution. Please give us the opportunity to
do that.

Thank you for your time and consideration.

Alexis Newton

Owner, Elevate Vapor

Mandan, North Dakota

