

8/24/2026

Members of the Senate and House of Representatives,

I would like to thank Governor Kelly Armstrong for addressing this growing concern during the special session. I would also like to thank Representative Pat Heinert (Bismarck) and Senator Michelle Axtman (Bismarck) for working with constituents, organizations, and resources to draft the two bills being brought forward.

My name is Mike (Michael) Connelly, a Bismarck citizen writing this letter from my opinion and perspective and anything written should not be considered an official statement on behalf of any organization public or private. I, like all of you, hold an elected seat (Bismarck City Commissioner) and understand the challenges that representation on behalf of citizens that don't always agree, in an effort to lay legal foundations that help us grow toward a more perfect union. I also have a Bachelor of Science degree in Addiction Counseling with some experience in the field, with additional education and experience in medical, and mental health.

In regard to the two bills being presented during this special session, I am encouraging you all to vote "YES" on both, even if nothing in the bills wording was to be amended. I have, however, included some possible highlighted considerations to add to the bills if you were to consider amendments.

Given the popularity of kratom use and that fact that even some liquor establishments will sell it separately for patrons to add to their drinks if they choose, they have seen the financial reward of combining two addictive substances. "Risk versus Reward" has always been the measure of "Right versus Wrong". Making that line as clear as we can as a moral promoting state is helpful to all businesses that strive to do the right thing and our law enforcement and justice entities efforts to protect and serve the good of North Dakota citizens. Ensuring that the "Sales" fall within the strict lines of the law will send the message of where we stand on drugs that have the potential to harm people we care about.

### **1. Regulation of Natural Kratom (Rep. Pat Heinert, R-Bismarck)**

This bill would:

- **Prohibit sale** of natural kratom products to anyone under 21.
  - **First offense:** **infraction (fine).**
  - **Second offense:** **misdemeanor (Loss of business license/permit and or liquor license/permit for 30 Days).**

- **All subsequent offenses:** misdemeanor (Loss of business license/permit and or liquor license/permit for 5 years).
- **Require labeling** with a warning that kratom may be addictive.
- **Empower the Attorney General** to regulate kratom sales statewide.
- **Ban packaging** that imitates candy or appeals to children (e.g., bright colors, flashy designs).
- **Allocate \$20,000** to the Department of Health and Human Services for youth public health outreach.

The approach mirrors tobacco product regulations, aiming to control distribution, protect minors, and support public health campaigns

## **2. Ban on Synthetic Kratom Derivatives (Sen. Michelle Axtman, R-Bismarck)**

This bill would:

- **Add synthetic kratom derivatives** (e.g., 7-hydroxymitragynine, 7-OH) to the state's **Schedule I controlled substances** list, aligning with expected DEA action.
- **Criminalize sale, use and possession:**
  - **First offense:** infraction.
  - **Second offense:** misdemeanor.
  - **All subsequent offenses:** felony.
- **Penalty structure** matches state marijuana laws, with graduated penalties to allow adjustment for first-time offenders

Thank you again to Governor Kelly Armstrong, Senator Michelle Axtman (Bismarck), and Representative Pat Heinert (Bismarck) for addressing the sale and harmful use of kratom within our Great State of North Dakota. I encourage a "YES" vote on both. If you have any questions, feel free to contact me 701-400-1839 or [Blink.2019@outlook.com](mailto:Blink.2019@outlook.com).

Sincerely,

Mike Connelly