

**STATEMENT ON HB 1101 THAT WOULD CLASSIFY KRATOM
AS A SCHEDULE 1 SUBSTANCE**

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President Donald J. Trump

I respectfully submit this statement in opposition to HB 1101 that would classify kratom as a Schedule I Substance in North Dakota.

During my early tenure serving President Donald J. Trump in the White House as the director of the White House Office of National Drug Control Policy, like many of you, I had not heard much about kratom at all. But it came to my attention in 2018 when the U.S. Food and Drug Administration (FDA) presented its recommendation to schedule kratom and its compounds, mitragynine and 7-hydroxymitragynine, as Schedule I substances.

The mandate that I had received from President Trump was twofold: (1) Do all that I could to protect the American people from the distribution of illicit drugs; and (2) Do everything possible to provide support for those Americans who are struggling with opioid addictions and exposure to adulterated and highly dangerous drug substances to reduce opioid overdoses.

In that context, FDA's recommendation to schedule kratom was of significant interest. What I did learn next speaks to the reality that even highly respected agencies like the FDA can, and do, sometimes get it wrong. In the case of kratom, they got it badly wrong.

I sought the advice and counsel of my colleague and fellow Trump presidential appointee at the U.S. Department of Health and Human Services, Assistant Secretary for Health, Brett Giroir, M.D., on his views of the FDA's recommendation on scheduling of kratom. Dr. Giroir's review of the evidence and data that the FDA was presenting in support of its recommendation for scheduling resulted in the formal withdrawal of the recommendation from the Drug Enforcement Administration, and Dr. Giroir delivered a stinging rebuke to the FDA on what he characterized as “embarrassingly poor evidence and data and a failure to consider the overall public health.”

Among other significant deficiencies in its effort to schedule kratom, the FDA failed to recognize the potential value that kratom holds for those that struggle with opioid addictions, and that was highlighted in our discussions with the director of the National Institute on Drug Abuse (NIDA), Nora Volkow, M.D. NIDA has invested more than \$100 million into research on kratom, and their preliminary findings support the belief that kratom can be an effective tool in dealing with the scourge of opioid overdoses that plagues our nation where more than 100,000 of our citizens have died from overdoses using illicit drugs.

What is very clear is that the FDA's characterization of kratom being a contributing factor or the cause of those deaths is simply wrong. The responsibility that I held in serving President Trump was one that I took seriously, and the foundation of that responsibility was to make certain that the public policies we promulgated were based on good science and in protecting vulnerable populations.

I urge you to hear the voices of those individuals who have benefitted from the use of kratom. I strongly encourage the North Dakota legislature to consider that the FDA has this long-standing bias against dietary and botanical supplements and look to the more responsible approach that has been adopted by NIDA that allows for expanded research into kratom because it is a potentially valuable tool that can actually save lives.

It is equally important that you recognize that the overwhelming scientific evidence demonstrates that more than 20 million Americans are safely consuming kratom that is responsibly manufactured and properly labeled, and that is restricted from minors. The reasons why people consume kratom includes those who simply replace a cup of coffee in the morning for its energy boost and increased focus, some who seek relief from anxiety and depression, and those dealing with acute and chronic pain issues.

Enacting a ban that would inevitably create a more dangerous black market that would allow for highly adulterated kratom products, including those that are mixed with illicit drugs, poses a real safety risk to North Dakota consumers that is not, in my opinion, good public policy.

It is my recommendation that the North Dakota Legislature consider enacting a regulatory framework that is embodied in legislation that has been enacted in 13 states known as the Kratom Consumer Protection Act.

While I was unable to arrange my schedule on such short notice to attend today's Hearing in person, I hope you will consider my comments in this statement and would welcome the opportunity to discuss my views on this issue personally with any one of you who would like to contact me.

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