

27 January 2025

**North Dakota Testimony Global Kratom Coalition
Oppose unless amended - HB 1566,**

My name is Matthew Lowe. I am the Executive of the Global Kratom Coalition, an alliance of consumers, experts, and industry leaders seeking enact regulations to ensure consumers have access to safe and regulated kratom products. Our mission is to advance scientific research, encourage consumer education, and serve as a resource for key stakeholders and decision makers in legislative and regulatory matters.

I, and members of the Global Kratom Coalition, support and applaud the recent decision of the North Dakota Legislature to reject HB 1011 which sought to schedule mitragynine as a schedule 1 substance.

Kratom is a botanical substance from Southeast Asia with centuries of safe, traditional use that's grown in popularity in recent years. Today, 24 million people in the U.S. report consuming kratom for mood enhancement, energy and general wellness. With its popularity, there is naturally increased attention from lawmakers about its potential benefits as well as drawbacks. Currently, 13 states in the U.S. have passed legislation to regulate products and only 6 states prohibit kratom. There has not been a new kratom ban in the US since 2017 as the science that has developed since then does not support the ban of this botanical.

We agree that legislative action needs to be taken, and therefore support implementing laws that establish age limits, good manufacturing practices, serving size guidelines, clear product labeling and the restriction of synthetics or high contraction isolate products. The Global Kratom Coalition views these measures as critical to maintaining a safe and trustworthy market for consumers. This view is ratified by the leading kratom scientists in the USA in an April 2024 statement titled "Statement on the science of kratom products and their US regulation".

We agree with most of the measures put forward in HB 1566, except for 4 critical clauses outlined below:

1. How kratom is defined in Section 1, Definitions, (2). Kratom is consumed or extracted in the US in its dried form. This should be encompassed in its definition to include the degradant alkaloids that form upon drying the leaf.
 - a. **Suggested amendment:**
 - i. "Kratom" means any part of the mitragyna speciosa plant in fresh or dried form,
2. The definition of synthesized materials under definitions (7) should also include a definition for semi-synthesized to ensure that there are no loopholes that will allow companies to create intoxicating products similar to what we have seen in the hemp industry.
3. Section 1, Kratom Product Requirements, (f) (2) and (4): These provisions put a blanket ban on combining kratom with many demonstrably safe foods and dietary ingredients

that have been consumed safely for decades, if not centuries. This clause suggests that kratom cannot be combined with substances like caffeine, grapefruit juice, many botanical ingredients and even sugar. Combining ingredients in foods and dietary supplements, that are safe under the conditions of use, is commonplace in the food and dietary supplement industry. Moreover, this is not replicated in any other state that has kratom regulations passed. The potential limited issues identified by the legislature with regard to combination products can be effectively dealt with by making the below amendment, which will align with the Federal standards for foods and dietary supplements:

- a. **Suggested amendment - Strike (f) and replace with:**
 - i. That is mixed or packed with a nonkratom substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer.
 - b. *Controlled substances are already banned and therefore this inclusion is unnecessary.
4. Section 1, Kratom Product Requirements, (3) (d) should be amended to align with the Federal standard regarding the FDA and drug claims:
 - a. **Suggested amendment, strike (3) (d) and replace with:**
 - i. A statement that says “these statements have not been evaluated by the United States Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease,”

With this in mind, we, the Global Kratom Coalition, urge the Legislature to make these amendments and pass this amended regulatory bill in order to ensure the kratom marketplace in North Dakota is appropriately regulated.

I thank the Committee for their concern for the state’s residents. I would welcome the opportunity to bring additional scientific studies, factual reports, and expert witnesses to your attention. I look forward to serving as a resource in the near and long term.

Best regards,

Matthew Lowe
Executive Director
Global Kratom Coalition