

**Neutral Testimony for HB 2084
to the House Committee on Federal and State Affairs
by Deputy Secretary of Agriculture Kelsey Olson
Kansas Department of Agriculture
February 1, 2023**

Good morning, Chairman Carpenter and members of the committee. I am Kelsey Olson and I serve as the Deputy Secretary of the Kansas Department of Agriculture (KDA). Thank you for the opportunity to provide written neutral testimony regarding House Bill 2084.

House Bill 2084 would require KDA to oversee kratom processors and ensure that kratom products are not adulterated or contaminated, are not offered for sale to any person under 18 years of age and are otherwise lawful as set out in the bill. The bill provides specific language that outlines when a kratom product shall be considered contaminated or adulterated and also provides that fines may be imposed against a processor who prepares, distributes, or sells kratom (or offers or exposes it for sale) in violation of the provisions of the bill. However, the bill does not include any authority for KDA to confiscate or stop the sale of a kratom product that is adulterated, contaminated, or otherwise unlawful.

In general, while KDA could implement the requirements of HB 2084, the requirements placed upon KDA and kratom processors will not guarantee that kratom is safe for the public to consume. According to the U.S. Food and Drug Administration (FDA), kratom cannot be legally marketed in the United States as a drug or dietary supplement even though it is often advertised to have medicinal benefits. In most cases, kratom is an illegal food additive under both federal and state law. The U.S. Drug Enforcement Administration has listed kratom as a “drug and chemical of concern.”¹

KDA’s primary concern is that some consumers may view the regulation of kratom processes as an assurance that kratom is safe for human consumption. The testing required by the bill does not substantially lower the risk factors associated with consumption of kratom. FDA is warning consumers not to use kratom because it affects the same opioid brain receptors as morphine and appears to have properties that expose users to the risks of addiction, abuse, and dependence.

KDA respectfully requests that the committee carefully consider whether it is in the public interest to pass House Bill 2084 at this time because of the FDA’s concerns with human

¹ *Kratom Drug Fact Sheet*, U.S. Department of Justice/U.S. Drug Enforcement Administration, April 2020 available at https://www.dea.gov/sites/default/files/2020-06/Kratom-2020_0.pdf.

consumption of kratom and the inability of KDA to make kratom safe for consumers despite the regulation of kratom processors and the review of kratom labels.