

Testimony of Mac Haddow
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Before the House Committee on Health and Human Services
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Chairman, Vice Chair, Ranking Member, and Members of the Committee:

Thank you for the opportunity to testify today. My name is Mac Haddow, and I serve as Senior Fellow on Public Policy for the American Kratom Association. For more than a decade, I have worked with federal and state policymakers, scientists, and regulators on evidence-based approaches to kratom regulation that protect public health while preserving lawful consumer access.

I am here today to urge this Committee to proceed with precision and scientific discipline as it considers proposals to schedule 7-hydroxymitragynine, commonly referred to as 7-OH.

The Core Problem: Scheduling 7-OH Without a Threshold Bans Natural Kratom

Any effort to schedule 7-OH without recognizing that trace amounts of 7-OH are naturally present in all kratom leaf products will have an unavoidable and disastrous consequence: it will function as a de facto ban on all natural kratom.

That outcome would not be theoretical. It would be immediate, unavoidable, and legally unavoidable.

7-OH is a *minor alkaloid* that occurs naturally in the kratom leaf at trace levels, typically well below one percent of total alkaloid content. Those trace levels are not the result of chemical manipulation, synthesis, or fortification. They are part of the plant's natural alkaloid profile—just as caffeine naturally occurs in coffee or theobromine occurs in chocolate.

If the mere *presence* of 7-OH is criminalized, then every natural kratom product becomes contraband, regardless of how responsibly it is manufactured, labeled, or sold.

That is not regulation. That is prohibition by chemical technicality.

Federal Leadership Has Already Provided the Correct Framework

Importantly, this Committee does not need to guess how to handle this issue.

Both Dr. Marty Makary, Commissioner of the Food and Drug Administration, and Robert F. Kennedy Jr., Secretary of Health and Human Services, have publicly articulated a measured, science-based recommendation:

- Chemically manipulated or synthesized 7-OH should be scheduled, and
- Products containing 7-OH at levels greater than 2% of total alkaloid content should be scheduled under the Federal Controlled Substances Act.

This recommendation is critical for three reasons:

1. It targets the real public-health threat—high-potency, chemically altered 7-OH products engineered to produce opioid-like effects.
2. It protects consumers from dangerous synthetic and semi-synthetic opioids masquerading as “kratom.”
3. It explicitly preserves lawful access to natural kratom leaf products, which contain only trace, naturally occurring amounts of 7-OH and do not present the same pharmacological or addiction risks.

That 2% threshold is not arbitrary. It reflects the biological reality of the kratom plant and draws a clear, enforceable line between natural botanical products and manufactured opioids.

The Scientific and Policy Distinction Cannot Be Ignored

Natural kratom leaf is not manufactured to elevate 7-OH levels. In fact, reputable manufacturers actively work to ensure that alkaloid profiles remain consistent with the natural plant.

By contrast, the products driving concern today are:

- Chemically manipulated
- Concentrated or synthesized
- Designed to bypass normal metabolic pathways using sublingual formulations
- Marketed for opioid-like effects

Treating these two categories as legally identical would be a profound policy error.

It would punish responsible actors, reward black-market suppliers, and push consumers away from regulated products into illicit markets—precisely the opposite of what this Committee seeks to achieve.

The Kansas Bill Illustrates the Risk of Overreach

Proposals such as House Bill 2765 demonstrate how easily well-intentioned scheduling language can sweep too broadly. By listing 7-hydroxymitragynine in Schedule I without a concentration threshold or natural-occurrence exemption, the bill creates the very unintended consequence I have described—criminalizing natural kratom by default rather than by design.

This Committee has the opportunity—and the responsibility—to correct that course.

A Clear Path Forward

The solution is straightforward and already supported by federal leadership:

1. Schedule chemically synthesized and chemically manipulated 7-OH.
2. Apply scheduling only to products exceeding 2% of total alkaloid content.
3. Explicitly protect natural kratom leaf products containing trace, naturally occurring 7-OH.
4. Pair scheduling with consumer-protection regulation, not blanket prohibition.

This approach aligns science, enforcement, and public health.

Closing

Members of the Committee, the question before you is not whether dangerous synthetic opioids should be controlled. They should.

The question is whether, in doing so, we accidentally ban a natural botanical product used responsibly by millions of Americans—and in the process recreate the very harms of prohibition that history has repeatedly warned us against.

With clear thresholds, careful drafting, and respect for the science, that mistake can be avoided.

Thank you for your attention, and I am happy to answer any questions.