Dear Chairperson and Members of the Committee,

I represent the trade organization Botanicals for Better Health and Wellness, a group made up of botanical industry companies. We embrace scientific-based botanical regulation including as it relates to kratom.

I am speaking in opposition to SB 497, which acts to designate kratom as a schedule 1 controlled substance.

Kratom or *Mitragyna speciosa* is a natural botanical in the same plant family as coffee. It is most often used as an energy boost and for mild mood enhancing effects. Its effects are relatively mild, like that of coffee and tea. Kratom has been used for centuries for a variety of therapeutic reasons, including improved mood, reduction in anxiety, increased energy, and for treatment of minor aches and pain. It's been used in the U.S. for over 30 years for many of the same reasons.

In the last 5 years we have seen over 400 peer reviewed medical and scientific articles supporting the therapeutic use of kratom in an adult population from institutes such as Johns Hopkins University School of Medicine and the University of Florida. The U.S. Food and Drug Administration published the first leg of their human clinical trial on kratom that showed it is both effective and well tolerated in human populations.

Despite statements to the contrary, kratom is regulated by the federal government. Kratom is a botanical and sold as a dietary ingredient. The FDA has specific rules related to manufacturing, testing, labeling and label claims related thereto, similar to traditional food products in the U.S. Kratom as a natural plant is not a pharmaceutical however and therefore does not go through pre-market approval.

Unfortunately, there has been quite a bit of confusion caused by the marketing of a compound known as 7-hyrdoximitragynine or 7-OH. 7-OH products have been evaluated by the FDA to be synthetic drugs 13 times more potent than morphine. The FDA is working to remove these products from the marketplace and in doing so, many people have conflated 7-OH with kratom. 7-OH is not kratom; it does not share the favorable safety profile of kratom, and the FDA has made clear their regulations of 7-OH are not directed at kratom. However, these mislabeled and misbranded drugs holding themselves out as kratom have led to consumer, regulatory and legislative confusion.

To be clear, kratom itself is not a controlled substance and never has been. For nearly a decade actions taken by Congress, Health and Human Services, and the National Institute on Drug Abuse have established kratom's therapeutic benefits and preserved its position as a dietary ingredient. We look to extend that support in the state of Kansas.

In addition to the FDA regulations, 17 states have passed legislation favoring the sale of kratom commonly referred to as Kratom Consumer Protection Acts (KCPA) which includes the testing raw materials and finished goods, proper labeling, instructions for use and age gating. In many of these states, they have also set limits on the amount of a metabolite called 7-

hyrdoximitragine or 7-OH and restrict the use of any synthetic, non-natural components. Manufacturers are often required to submit third-party certificates of testing from independent labs attesting to the amount of mitragynine and 7-OH is in a product as well as the absence of residual solvents and heavy metals. These laws have been around for over a decade and have proven to be effective. Both raw material has to be tested as well as finished goods and in none of this testing has there been shown to be the presence of the addition of synthetic material to the natural leaf. Further, Kentucky, Florida and Ohio have taken action against highly concentrated 7-OH products specifically while permitting the sale of natural kratom products. Enforcement has occurred in the marketplace and agents have been able to distinguish between these two classifications of products.

We, as an organization, believe that effective state regulations help ensure that this botanical can safely be in the hands of consumers and effective legislation will keep bad market actors out. Regulations that age gate the product, require proper labeling and product testing ensuring that customers know what they are consuming and how to consume it. Scheduling or banning the product has not shown to keep products out of the marketplace but rather keep reputable and safe suppliers out because they are the ones who want to be good corporate stewards. Criminals selling gray market, untested, adulterated products will continue to do criminal acts regardless of the law. The State of Kansas should pass legislation that keeps dangerous adulterated products, unnatural synthetically made or highly concentrated isolates out while permitting safe adult use of the botanical.

Thank you for your time.

Andrew Kulpa