

## STATE OF RHODE ISLAND



Department of Behavioral Healthcare, Developmental Disabilities & Hospitals

OFFICE OF THE DIRECTOR

14 Harrington Road

Cranston, RI 02920-3080

TEL: (401) 462-3201

FAX: (401) 462-3204

TDD: (401) 462-6087

March 14, 2024

The Honorable Joseph J. Solomon, Jr., Chair  
House Committee on Corporations  
State House  
Providence, RI 02903

**RE: 2024 – H 7231 – An Act Relating to Food and Drugs – Kratom Consumer Protection Act**

Dear Chair Solomon:

I write in opposition to **H 7231** entitled the “Kratom Consumer Protection Act.” This bill would, among other provisions, authorize and regulate the distribution of the product known as a “kratom, and would ban the adulteration of kratom with a dangerous non-kratom substance as to render the product injurious to a consumer.” The Act also would require that “any kratom product contain adequate labeling directions necessary for safe and effective use by consumers.”

*Mitragyna speciosa*, commonly referred to as “kratom,” is a tree whose leaves contain numerous active ingredients, including mitragynine and 7-a hydroxymitragynine, which are the primary substances producing its psychogenic effects.

The effects of kratom are dose-dependent; ranging from stimulant effects such as those produced by cocaine and amphetamines, to the sedative effects of opioids in larger doses. Kratom can produce cravings, compulsive use, anxiety, diaphoresis, diarrhea, tremor, and restlessness which mirror opioid withdrawal symptoms; and has been found in some circumstances to be contaminated with pathogens (e.g., salmonella) and heavy metals, which may seriously endanger the lives of the people who use it. As with other non-pharmaceutical products, there is the risk that kratom products may be contaminated with fentanyl, xylazine and/or other drugs.

According to a 2022 review<sup>1</sup> of Kratom, the health effects of Kratom is limited; accordingly, at present, no established standards are available to determine “safe and effective use” of kratom.

To date, the federal Food and Drug Administration (FDA) has not approved the use of kratom. The FDA continues to be concerned that kratom, which affects the same brain receptors as morphine, appears to have properties that expose users to the risks of addiction, abuse and dependence.” The FDA has issued warning letters to companies selling kratom products regarding unproven medical claims related to opioid cessation, pain management, treatment of depression, and other “medical” uses. The FDA continues to receive reports regarding safety concerns, including reports related to life-threatening cardiac arrhythmias resulting in hospitalization. Liver damage, seizures, including seizures in children accidentally exposed to these products, and neonatal abstinence syndrome experienced by infants whose mothers used kratom as well as other adverse events have been reported.

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<sup>1</sup> Striley CW, Hoeflich CC, Viegas AT, Berkowitz LA, Matthews EG, Akin LP, Iheanyi-Okeahialam C, Mansoor U, McCurdy CR. Health Effects Associated With Kratom (*Mitragyna speciosa*) and Polysubstance Use: A Narrative Review. *Subst Abuse*. 2022 May 20;16:11782218221095873. doi: 10.1177/11782218221095873. PMID: 35645563; PMCID: PMC9130800.

A recent analysis conducted by the Centers for Disease Control (CDC) found that kratom was involved in 846 fatal overdoses in thirty states in 2022 (the latest year for which data was available). Kratom was listed as the sole cause of death in 56 of these individuals. California was not included in the analysis, but, for the period 2020-2022, that state health department reported that there were 242 deaths involving kratom, of which 27 were related solely to kratom.

The FDA has warned consumers not to use kratom because of these concerns.

Some members of the kratom industry appear to be targeting college-aged students, many of whom would be younger than the legal sales age as proposed in H 7231. On multiple media sites, products containing kratom are advertised as promoting health and wellness, focus and alertness, energy, and providing an “invigorating social lift,” and “mood lift.” Kratom also has been promoted as a “safe alternative” to alcohol and, as such, appears to have been marketed both to college-aged individuals as well as to persons with current alcohol use disorders or who are in recovery for such disorders.

There have been reports<sup>2</sup> indicating that some kratom businesses have recruited college students as “ambassadors” for their products, including self-reports from students so recruited. The actions of these ambassadors are reported to include distributing free samples in common areas on campuses. One product containing kratom as well as kava lists itself as the “official sponsor of FSU Athletics” as well as the “official tonic sponsor of Texas Athletics.”

Kratom cannot be considered a benign dietary supplement or food product and should not be treated as such with minimal to no regulatory oversight. Scheduling of any product containing one or more psychoactive drugs must remain within the purview of the Rhode Department of Health which has the authority and expertise to ensure public health and safety.

Currently, insufficient medical evidence exists to indicate the purported benefits of authorizing the sale of kratom products outweigh the considerable risks. I urge the Honorable Members of this Committee to not support passage of H 7231.

Sincerely,



Louis A. Cerbo, Ed.D.  
Interim Director

cc: The Honorable Members of the House Committee on Corporations  
The Honorable John G. Edwards  
Nicole McCarty, Esquire, Chief Legal Counsel to the Speaker of the House  
Lynne Urbani, Director of House Policy

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<sup>2</sup> Brennon Dixon, “He kicked alcohol, became addicted to wellness drink that works like opioid, lawsuit says,” *The Los Angeles Times*, April 7, 2023, <https://www.latimes.com/california/story/2023-04-07/a-wellness-product-was-advertised-as-an-alternative-to-alcohol-but-hundreds-say-it-ruined-their-lives>.