

KENNETH P. KERR, ED.D  
*Legislative District 3B*  
Frederick County



*Annapolis Office*  
The Maryland House of Delegates  
6 Bladen Street, Room 209  
Annapolis, Maryland 21401  
410-841-3240 · 301-858-3240  
800-492-7122 Ext. 3240  
Ken.Kerr@house.state.md.us

Health and Government Operations  
Committee

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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

*District Office*  
4539 Metropolitan Court, Suite 257  
Frederick, Maryland 21704  
301-360-3505

Delegate Luke Clippinger, Chairman  
Delegate Vanessa Atterbeary, Vice Chairman  
Members of the Judiciary Committee

**Regarding: House Bill 283 Criminal Law—Kratom—Prohibition**

Good Afternoon. Prior to this legislative session, I doubt any of you had ever even heard of Kratom. Yet there are 100,000 users in Maryland and there are half a dozen locations within walking distance where you can buy it right now.

I was completely unaware kratom was even a thing until last June 5th when I received a visit from a constituent asking if I would introduce a bill to ban Kratom in Maryland. The constituent who brought this to my attention is not able to testify because they are going through a divorce with young children, and testimony here could impact that case. According to my constituent, their spouse became addicted to kratom, or the opioids (fentanyl, heroin, methadone) that are often used to spike the unregulated product, about a year before their separation. Since kratom is not regulated and not illegal, Child Protective Services will not intervene on behalf of the minor children. My constituent had three main concerns: 1) That the spouse using adulterated kratom could overdose; 2) That the children could be exposed to fentanyl or other drugs since the spouse brews kratom tea daily; 3) That the spouse and the children could be exposed to salmonella, heavy metals, and other contaminants that have been linked to the unregulated product.

Following this meeting I began asking around about Kratom and must have asked close to 50 people if they had ever heard about this stuff. Every one of them said "no." That was until I contact Sean Nicholson of the Phoenix Foundation, who has also submitted written testimony. You will also hear today from many users of Kratom who will attest to the benefits they derive from its use. Our office and this committee have both received many emails and phone calls from proponents of Kratom. And that is good, because we need to hear from all sides of this issue. I also suspect that for some of these citizens testifying, writing, and calling, this may be the first experience they have had in participating in government. That is also a good thing.

But what this committee is unlikely to hear about are the inherent dangers that come from a substance that uses the same metabolic pathways as many other drugs, both legal and illegal that, a Kratom user may also be taking. Kratom hits the Mu receptor which that neuromodulates several physiological functions not the least of which is respiration. Using the same metabolic pathways as other drugs, Kratom can either increase or decrease their effects. Moreover, for a drug with a narrow therapeutic pathway, like as seizure medication such as gabapentin or phenobarbital which sharing the same metabolic pathway, the prescribed medication's effect may be diminished causing the user to have a seizure. Another is the blood thinning drug, Coumadin, which interacts with the same CYP3A4 enzyme as does Kratom. Coumadin has a narrow therapeutic window, and used in combination with Kratom, can cause its effects to increase or decrease possibly causing the user to clot and have a stroke or bleed out.

In fact, the CYP3A4 enzyme interacts with about half the drugs on the market including fentanyl. Of the 91 deaths attributed to Kratom, only 2 found Kratom to be the primary cause, the remaining 89 were the result of a scenario similar to what I have just described.

Kratom is unregulated and marketed as an herbal supplement, however, it is clearly a drug—an unregulated, uncontrolled drug that you can buy at half a dozen locations a short walk from here. And it should be treated like a drug. Though there are a few dozen peer reviewed studies, most conclude “Kratom use, including its clinical pharmacology and toxicology, are poorly understood.” The Mayo Clinic reports that studies on the effects of Kratom have identified many safety concerns and no clear benefits. The FDA is actively evaluating all available scientific information on this issue and continues to warn consumers not to use any products. Kratom is banned in Indiana, Tennessee, Vermont, Wisconsin, Alabama, and Arkansas. Legislation to control or ban Kratom failed in New Jersey, Iowa, Michigan, and Kentucky and is pending in Florida.

I have an amendment that will restrict Kratom's use to those over 21 and require that the product be accompanied by a certificate of purity assuring the user it has not been adulterated or contaminated. If nothing else, what we have done here today is brought attention to this little known substance. We have taken Kratom from the shadows and into the full view of this committee, the legislature, and the people of Maryland.

I request a favorable report for the bill as amended.

Respectfully,

Delegate Kenneth P. Kerr  
District 3B – Frederick County