



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 28, 2024

The Honorable Joseline A. Peña-Melnyk
Chair, House Health and Government Operations Committee
Room 241, House Office Building
Annapolis, MD 21401

RE: House Bill 1229 – Public Health – Kratom Consumer Protection Act – Letter of Support with Amendments

Dear Chair Peña-Melnyk and Committee members:

The Maryland Department of Health (Department) respectfully submits this letter of support with amendments for House Bill (HB) 1229 – Public Health – Kratom Consumer Protection Act. This bill will prohibit retailers from preparing, distributing, selling, or exposing for sale kratom products that have been adulterated or contaminated with dangerous substances other than kratom, and puts limits on the potency of and labeling requirements for 7-Hydroxymitragynine content in the kratom product. Additionally, this bill prevents the sale of kratom products to individuals under the age of 21 years.

The U.S. Food and Drug Administration (FDA) regulates food, drugs, and dietary supplements at the Federal Level. The FDA has not approved any prescription or over-the-counter drug products containing kratom or its two main chemical components, mitragynine and 7-hydroxymitragynine (7-OH-mitragynine). There are no drug products containing kratom or its two main chemical components that are legally on the market in the U.S., and the FDA has warned against the use of unapproved kratom products for medical treatment. In addition, the FDA has determined kratom is not appropriate for use as a dietary ingredient in dietary supplements, as there is insufficient evidence that it can be considered safe. Finally, for that same reason, the FDA has advised that kratom may not be used as a food ingredient.

The Department has the utmost interest in making sure Marylanders are not exposed (intentionally or otherwise) to potentially dangerous foods, dietary supplements, and unapproved medications. To that end, the Department is discussing with the bill's sponsor how to ensure no unintended consequences would occur from the passage of this legislation, and has suggested some amendments. The amendments change the regulated products from "food represented to be a kratom product" to simply "a kratom product." This change serves two purposes: preventing the unintentional tacit endorsement of kratom as a food ingredient, and better allowing control over kratom products in the State. The amendments would also allow Maryland to respond quickly if the status of kratom changed at the Federal level in the future.

With the adoption of these amendments, the Department strongly supports this legislation as a way to protect Marylanders and Maryland's youth from unsafe products in the State. The Department thanks the sponsor for bringing this bill forward and for considering how to make it the most effective legislation possible.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott", with a stylized flourish at the end.

Laura Herrera Scott, M.D., M.P.H.
Secretary