

Public Comment in Opposition to SB 820

Submitted by: Danielle | Maryland Business Owner, Artist, Community Member

Good morning. My name is Danielle. I am a business owner, an artist, a fiancée, and a functioning member of my community. You can find my artwork in various locations all over Maryland. I am here today because kratom gave me my life back. I have used this plant for over ten years. I am not a statistic. I am standing right in front of you.

Over 50 million Americans suffer from chronic pain. Roughly 58 million have diagnosed arthritis. An estimated 15 to 16 million Americans currently use kratom — not because they are reckless, but because they have tried everything else and this is what works. These are your neighbors, your family members, and they are sitting in this room.

The FDA Standard Is a Backdoor Ban

I want to address the heart of this bill directly. SB 820 requires that kratom products be either recognized as a dietary ingredient or approved as a drug by the FDA before they can be sold. That sounds reasonable until you understand what it actually means.

The FDA has not approved kratom. But here is what they also have not approved: melatonin, valerian root, turmeric, echinacea, elderberry, fish oil, magnesium, and thousands of other supplements that millions of Americans use every single day without incident. The entire dietary supplement industry — a \$60 billion industry — operates without pre-market FDA approval. That is not an accident or an oversight. It is how the law was written, and it has worked.

The process to achieve FDA drug approval takes an average of 10 or more years and costs over one billion dollars. That is not a regulatory standard. That is a closed door. Holding kratom to a standard that virtually no botanical supplement in America meets is not consumer protection — it is prohibition with extra steps.

In fact, the DEA itself considered scheduling kratom as a Schedule I substance in 2016 and withdrew that proposal after overwhelming public opposition. The United Nations Commission on Narcotic Drugs unanimously concluded there was insufficient evidence to recommend restricting kratom internationally. The World Health Organization and the U.S. Department of Health and Human Services have both acknowledged kratom's potential benefits. This is not a fringe position. This is where the international science stands.

Who Wrote This Bill, and Who Benefits?

I would be remiss not to note who introduced SB 820. Senator Antonio Hayes served as the Senate Chair of the Joint Committee on Behavioral Health and Opioid Use Disorders from 2019 to 2021 — a committee with direct influence over the very pharmaceutical industry that stands to benefit if kratom disappears.

I would invite every person in this room to consider what it means that the person who chaired Maryland's opioid policy committee is now writing legislation that would effectively eliminate one of the most commonly used alternatives to opioids. The full record of Senator Hayes' committee assignments is publicly available, and it raises questions that deserve honest answers.

I am not here to make accusations I cannot prove. But I am here to ask a straightforward question: who benefits if kratom disappears from Maryland shelves? The answer is not me. The answer is not the 15 to 16 million Americans who use it. The answer is the companies that manufacture the opioids, the benzodiazepines, and the prescription pain medications that kratom users have walked away from. When a plant helps people stop using pharmaceuticals, the pharmaceutical industry has a financial interest in eliminating that plant. That is not a conspiracy theory. That is economics.

The Addiction Argument Does Not Hold

If addiction potential were truly the standard for restricting a substance in this state, we would need to have a very different conversation. Alcohol is legal and sold at every gas station in Maryland. Tobacco and nicotine are legal. Prescription opioids — including fentanyl and oxycodone — are not only legal but actively marketed by pharmaceutical companies to doctors and patients. Sugar is in everything. None of them are banned.

Research published by scientists at Johns Hopkins Medicine found that kratom has a relatively low abuse potential compared to traditional opioids and suggested it may warrant further study as a treatment option. That research exists. Dismissing it is a policy choice, not a scientific one.

The Labeling Restrictions Are Unequal and Arbitrary

This bill bans kratom products from using bright colors, animals, mascots, cartoon imagery, or vivid illustrations in their packaging. I would like someone to walk me through a liquor store and apply that same standard. Jack Daniel's has a rooster. Sailor Jerry has a tattoo-style eagle. Fireball has a dragon. Blue Moon has a moon and a wheat illustration. Countless alcohol brands use bold, colorful, illustrated packaging — and alcohol kills approximately 95,000 people per year in the United States.

Kratom has been associated with a small number of deaths, nearly all of which involved concurrent use of other substances including fentanyl. The FDA itself has acknowledged that the contribution of kratom alone in those deaths is unclear. Applying stricter packaging rules to kratom than to alcohol is not

logical. It is targeted.

What Banning Kratom Actually Does

I came here today not just for myself but for the hundreds of people I personally know whose lives have been changed by this plant. I have used kratom for over ten years. I manage chronic pain. I am a business owner. I am an artist. I am a contributing member of this community. Kratom did not take those things from me — it gave them back.

Banning kratom does not make people safer. It makes them desperate. It pushes them toward substances that are more dangerous, more addictive, and more profitable for the industries that lobby the people in this room. The people who depend on this plant will not simply stop being in pain. They will look for something else. For some of them, that something else will be an opioid prescription. For some, it will be the street.

I am asking you to protect us — not from kratom, but from a decision made without us in the room, influenced by interests that are not ours.

Regulate it. Label it. Set an age requirement. Require testing. There are reasonable paths forward that protect consumers without eliminating access. Several states — including Nevada, Utah, Colorado, Georgia, Oklahoma, Virginia, and West Virginia — have passed the Kratom Consumer Protection Act, which does exactly that. Maryland should follow their lead, not take the path of prohibition.

I am asking you to vote no on SB 820. Thank you.

Danielle | Maryland Business Owner and Artist | In Opposition to SB 820