BBHW
Botanicals for Better Health and Wellness

Written Testimony Opposing HB1523

Re: House Bill 1523 – Alcohol, Tobacco, and Cannabis Commission – Unauthorized Consumable Products – Enforcement and Seizure

Position: Unfavorable

Chair, Vice Chair, and Members of the Committee,

My name is Dr. Paloma Lehfeldt. I am a physician-scientist and the Medical Director of Botanicals for Better Health & Wellness, a national trade association dedicated to science-based policy and consumer safety for botanical products. I respectfully submit this testimony in opposition to House Bill 1523 as written.

Maryland already enacted a Kratom Consumer Protection Act that requires labeling transparency, age restrictions, limits on 7-hydroxymitragynine content, and bans on adulterated or synthetic alkaloids. This framework reflects a careful balance between consumer protection and access to regulated botanical products. It is a model that many states have adopted.

HB1523 risks undermining that framework in several important ways.

First, the bill authorizes seizure, confiscation, or destruction of products labeled as containing kratom unless the retailer demonstrates that the product is approved by the FDA or the Maryland Department of Health. Natural kratom products are not FDA-approved drugs. They are dietary supplements regulated under federal law. Requiring FDA approval as a condition to avoid seizure effectively treats lawful botanical products as contraband even when they comply with Maryland's existing consumer protection standards.

Second, the bill expands enforcement authority based on labeling or advertising violations, including broad restrictions that may be interpreted inconsistently across jurisdictions. Responsible Maryland retailers that follow testing and labeling rules could still face seizure, fines, or license consequences based on marketing disputes rather than safety concerns. This creates regulatory uncertainty that harms compliant businesses while doing little to protect consumers.

Third, from a public health perspective, HB1523 does not focus on the real emerging risks in the market. The primary safety concerns today involve synthetic or highly modified compounds, including 7-hydroxymitragynine products. Research published in *Drug and Alcohol Dependence* in 2024 highlighted increased abuse liability and respiratory risk associated with 7-hydroxymitragynine compared with natural mitragynine, the natural occurring primary alkaloid in the kratom plant. Maryland's existing KCPA already limits these risks by restricting synthetic alkaloids, requiring labeling disclosure, and allowing enforcement against adulterated products.

Policies that remove regulated products without addressing unsafe alternatives often drive consumers toward illicit or online markets where contamination, adulteration, and dangerous synthetic additives are more likely. That outcome is inconsistent with Maryland's public health goals.

Maryland has already taken a thoughtful approach to kratom regulation. The priority should be enforcing that law and targeting truly unsafe products such as adulterated or synthetic derivatives, not expanding seizure authority that may capture lawful botanical products and create confusion for retailers and consumers.

For these reasons, I respectfully request an unfavorable report on HB1523 or amendments that:

• Clarify that compliant products under Maryland's Kratom Consumer Protection Act are not subject to seizure

• Distinguish natural kratom products from synthetic or highly modified derivatives

• Focus enforcement on adulterated or unsafe products rather than labeling disputes

Thank you for your time and consideration and for your commitment to evidence-based public health policy.

Respectfully submitted,

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Medical Director

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