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February 27, 2026

To: The Honorable Heather Bagnall, Chair  
Health Committee

From: Irnise F. Williams, Deputy Director, Health Education and Advocacy Unit

Re: House Bill 1523 - Alcohol, Tobacco, and Cannabis Commission - Unauthorized Consumable Products - Enforcement and Seizure – **SUPPORT IN CONCEPT**

The Office of the Attorney General’s Health Education and Advocacy Unit (HEAU) supports HB1523, in concept. This bill provides specific enforcement authority to the Alcohol, Tobacco, and Cannabis Commission for retailer violations involving the distribution, sale, or advertising of “Unauthorized Consumable Products.” “Unauthorized Consumable Products” includes tianeptine, a consumable product that contains a poisonous or deleterious substance in violation of § 21-239(c) of the Health General Article, and kratom and phenibut products to the extent they are advertised, packaged, or sold in violation of existing restrictions in the Health General Article.

Among other things, it authorizes seizure, confiscation, or destruction of these products and court-ordered licensing actions. The bill also provides specific examples of improper marketing of kratom and phenibut products that target children and appears to restrict any outdoor signage promoting those products.

These substances, often sold as “gas station drugs,” pose grave risks, including overdose, respiratory depression, neurological damage, and death.

Kratom is an herbal extract that comes from the leaves of an evergreen tree called *Mitragyna speciosa*. People who use kratom have reported both stimulant-like effects (increased energy, alertness, rapid heart rate) and effects like those of opioids and sedatives (relaxation, pain relief, confusion). The U.S. Food and Drug Administration (FDA) has warned people not to use kratom because of the possible harm it can cause. The U.S. Drug Enforcement Administration (DEA) calls kratom a drug of concern. Poison control centers in the United States received more than 3,400

reports about use of kratom from 2014 through 2019. These included reports of death. Side effects reported included high blood pressure, trouble breathing, confusion and seizures.<sup>1</sup>

Phenibut is a psychoactive substance used recreationally for euphoric effects. It was developed in Russia to treat anxiety, insomnia, and alcohol withdrawal.<sup>2</sup> It is an addictive substance that is not safe to consume; consumption and withdrawal have led to cases of death and coma. Other adverse effects range from sedation, respiratory depression, and reduced levels of consciousness, as well as withdrawal symptoms including anxiety, agitation, and acute psychosis. Calls to poison control centers for phenibut exposure have risen dramatically over the last decade. Over 1,300 reports of phenibut exposure were reported between 2009 and 2019, with over 600 reports in 2018-2019 alone. Twelve percent of all reported cases were considered life threatening or resulted in significant disability or disfigurement, including three deaths and more than 80 cases resulting in coma.<sup>3</sup>

Tianeptine is an atypical tricyclic antidepressant prescribed in other countries but has opioid-like dependency and overdose potential, with dependence and withdrawal syndromes of anxiety, sweating, myalgias, chills and depression. Poison control center cases involving tianeptine exposure have increased nationwide, from 4 total cases in 2013 to about 350 cases in 2024. Side effects reported included agitation, drowsiness, confusion, sweating, rapid heartbeat, high blood pressure, nausea, vomiting, slowed or stopped breathing, coma and death.<sup>4</sup>

HB1523 builds upon prior initiatives to limit the sale of hazardous drugs in Maryland. This measure refines existing law by offering explicit enforcement tools and expanding the prohibited product list—ensuring retailers are held accountable for illegal or harmful offerings. In doing so, it enhances protection for consumers and minors by empowering enforcement against dangerous

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<sup>1</sup> Mayo Clinic, *Kratom: Unsafe and Ineffective*, <https://www.mayoclinic.org/diseases-conditions/prescription-drug-abuse/in-depth/kratom/art-20402171> (last visited Feb. 19, 2026); *Notes from the Field: Unintentional Drug Overdose Deaths with Kratom Detected—27 States, July 2016–December 2017*, Morbidity and Mortality Weekly Report, Vol. 68 No. 14 (Apr. 12, 2019), Centers for Disease Control and Prevention, <https://www.cdc.gov/mmwr/volumes/68/wr/pdfs/mm6814a2-H.pdf>. (last visited February 23, 2026).

<sup>2</sup> Cohen PA, Ellison RR, Travis JC, Gaufberg SV, Gerona R. *Quantity of phenibut in dietary supplements before and after FDA warnings*. Clin Toxicol (Phila). 2022 Apr;60(4):486-488. doi: [10.1080/15563650.2021.1973020](https://doi.org/10.1080/15563650.2021.1973020). Epub 2021 Sep 22. PMID: 34550038. (last visited February 23, 2026).

<sup>3</sup> *Notes from the Field: Phenibut Exposures Reported to Poison Centers — United States, 2009–2019*, Morbidity and Mortality Weekly Report, Vol. 69 No. 35 (Sept. 4, 2020), Centers for Disease Control and Prevention, <https://www.cdc.gov/mmwr/volumes/69/wr/pdfs/mm6935a5-H.pdf> (last visited February 23, 2026).

<sup>4</sup> <https://www.fda.gov/consumers/consumer-updates/tianeptine-products-linked-serious-harm-overdoses-death>. (last visited February 23, 2026).

products and reduces exposure to untested substances that pose proven risks, as documented by poison control and medical case reports.

**Proposed Technical Amendments**

1. Page 5, (c)(2) is unclear. As written, it suggests that kratom and phenibut can be confiscated but those products aren't considered as unauthorized consumable products unless they otherwise violate the statute.
2. On page 13, line 14, strike the word kratom and replace it with the word phenibut.

We support HB1523 in concept, commending its intent to safeguard public health while urging legislative clarity on harmonizing conflicting statutory provisions on advertising and the identity of unauthorized products.

Thank you for taking this information into consideration in review of HB1523.

cc: Delegate Kim Ross