

**Neutral Testimony for HB 2188
to the House Committee on Federal and State Affairs
by Deputy Secretary of Agriculture Kelsey Olson
Kansas Department of Agriculture
February 1, 2023**

Good morning, Chairman Carpenter and members of the committee. I am Kelsey Olson and I serve as the Deputy Secretary of the Kansas Department of Agriculture (KDA). Thank you for the opportunity to provide written neutral testimony regarding House Bill 2188.

HB 2188 proposes to amend the current Kansas Food, Drug and Cosmetic Act to include definitions for kratom dealer and kratom product and would also require KDA to license kratom dealers and otherwise regulate the preparation, production, manufacturing, packaging, labeling, and distribution of kratom and kratom products. HB 2188 outlines the necessary provisions for KDA to administer an effective licensing protocol for kratom and kratom dealers, including authority for inspections, sampling, and testing. The bill also provides for the suspension and revocation of licenses and the issuance of civil penalties and stop-sale orders for violations.

KDA's Food Safety and Lodging Program ensures requirements are met under the Food, Drug, and Cosmetic Act, and the regulation of kratom dealers and kratom product as proposed by HB 2188 would fit within the existing Food Safety and Lodging program.

While KDA should be able to implement the requirements of HB 2188, the requirements placed upon KDA and kratom dealers will not guarantee that kratom is safe for the public to consume. According to the U.S. Food and Drug Administration (FDA), kratom cannot be legally marketed in the United States as a drug or dietary supplement even though it is often advertised to have medicinal benefits. In most cases, kratom is an illegal food additive under both federal and state law. The U.S. Drug Enforcement Administration has listed kratom as a "drug and chemical of concern."¹

KDA's primary concern is that some consumers may view the issuance of a KDA license as assurance that kratom is safe for human consumption. The inspection, testing, and analysis required by the bill does not substantially lower the risk factors associated with consumption of kratom. FDA is warning consumers not to use kratom because it affects the same opioid brain

¹ *Kratom Drug Fact Sheet*, U.S. Department of Justice/U.S. Drug Enforcement Administration, April 2020 available at https://www.dea.gov/sites/default/files/2020-06/Kratom-2020_0.pdf.

receptors as morphine and appears to have properties that expose users to the risks of addiction, abuse, and dependence.

KDA respectfully requests that the committee carefully consider whether it is in the public interest to pass House Bill 2188 at this time because of the FDA's concerns with human consumption of kratom and the inability of KDA to make kratom safe for consumers despite licensing kratom dealers and products.