



To: Members of the Wisconsin State Legislature
From: Greg Hubbard on behalf of the American Kratom Association
Date: July 15, 2021
Re: WMS and Law Enforcement Claims related to Kratom

On July 8th, State Representative Dave Murphy released a co-sponsorship memo for a proposal that would un-schedule and regulate the sale and use of kratom in Wisconsin. Recently, the Wisconsin Medical Society (WMS) and Law Enforcement Associations have requested that members do not co-sponsor. The claims they are making are not new. They are the same claims made in other states where opponents try to criminalize kratom use.

The facts are that according to numerous researchⁱ natural kratom shows great therapeutic potential as a natural alternative to prescription medicines and has a very low addiction and abuse profile. The Assistant Secretary for Health at the U.S. Department of Health and Human Services concluded that banning kratom is more harmful to public healthⁱⁱ than simply regulating its manufacture and sale as is proposed by Representative Murphy in the Kratom Consumer Protection Act.

We respectfully disagree with the concerns made by the opponents and ask that you consider the thousands of Wisconsinites that depend on kratom everyday who are currently considered criminals for their use of an herbal supplement, that according to the most recent research, *“appears to have great potential to be developed as a treatment for pain, opioid use disorder and opioid withdrawal due to its combined pharmacology at opioid and adrenergic receptors, without any demonstrated addiction potential to date in pre-clinical animal studies.”*ⁱⁱⁱ The “concerning” reports referenced in the emails that were shared with you by the opponents were very likely (without seeing the actual evidence) due to products that were adulterated with illicit drugs or synthesized to greatly enhance the dose of mitragynine. That is wrong and under the Kratom Consumer Protection Act would still be illegal.

Kratom shouldn't be criminalized, it should be regulated to make sure users have access to safe kratom products that are properly manufactured, free from dangerous adulterants and labeled properly. Recent research confirms this and therefore we're hoping members of the legislature will recognize and support Rep. Murphy's legislation.

For background, kratom is a member of the coffee family and is used as an herbal supplement by millions of Americans (including thousands of Wisconsinites) and has been used to address chronic pain issues and anxiety. In recent years, it has been found to be useful to reduce opioid use and/or help with opioid withdrawal symptoms, especially for people that have adverse reactions to the traditional prescription drug treatments that are used for opioid use disorder. The most recent research sponsored by the National Institute on Drug Abuse (which is the entity that provides the research for the FDA) and institutions like Johns Hopkins University shows high levels of effectiveness with very little, if any, adverse effects.^{iv}

The National Center for Health Statistics (NCHS) reported a spike in drug overdose deaths in 2020 of 93,331,^v a substantial increase from the 72,151 drug overdose deaths in 2019. Based on this data, NCHS predicts Wisconsin overdose deaths will increase from 1208 in 2019 to 1539 in 2020, an astounding increase of 27.4% in overdose deaths.

Kratom is legal at the federal level despite repeated efforts by opponents via the FDA asking for it to be scheduled by the DEA. These efforts have failed because the FDA has never been able to meet the standards and evidence required under the federal Controlled Substances Act (CSA). Unfortunately, between 2012 and 2016 six states, including Wisconsin, scheduled the components of kratom on the promise from opponents and FDA that the DEA would be scheduling kratom right away at the federal level. That has not occurred because the science doesn't back it. HHS Assistant Secretary of Health, Dr. Brett Giroir called out the FDA in their efforts to schedule kratom for their, "*embarrassingly poor evidence and data and a failure to consider the overall public health.*"^{vi} If the federal government can't meet the standards and evidence to schedule kratom, how can the State of Wisconsin?

Again, kratom in its natural form shouldn't be illegal, it should be regulated. Keeping kratom illegal isn't solving any problems. Dr. Giroir emphasized the public safety risk of bans on kratom in his rejection of the FDA's recommendation to schedule pointing out that "... there is a significant risk of immediate adverse public health consequences for potentially millions of users if kratom or its components are included in Schedule I"^{vii} (a ban). People that can't or don't want to use prescription drugs for pain or anxiety will continue to use it, they'll just be criminals for doing so, or they put themselves at the considerable risk of using potent and deadly prescription opioids, heroin, and/or fentanyl, risking thousands of deaths from overdoses and infectious diseases associated with IV drug use.

We hope to work with the Legislature, the Wisconsin Medical Society, the Wisconsin Sheriffs Associations and Wisconsin Police Chiefs Association to figure out a regulatory structure so Wisconsin consumers can be sure that kratom is available and safe.

If you have any questions or need additional information, please feel free to contact me at 608-334-6603

ⁱ <https://www.amerikankratom.org/mediak/news/ten-scientific-articles-for-sharing.html>

ⁱⁱ http://images.go02.informamarkets.com/Web/Informa02/%7b548e6d56-2ea4-4da4-9404-0348b56e9a88%7d_dhillon-8.16.2018-response-letter-from-ash-radm-giroir.pdf

ⁱⁱⁱ <https://www.tandfonline.com/doi/full/10.1080/17425255.2021.1853706>

^{iv} <https://www.sciencedirect.com/science/article/abs/pii/S0376871620300144>

^v <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>

^{vi} <https://twitter.com/drgiroir/status/1395874443726102533?lang=en>

^{vii} http://images.go02.informamarkets.com/Web/Informa02/%7b548e6d56-2ea4-4da4-9404-0348b56e9a88%7d_dhillon-8.16.2018-response-letter-from-ash-radm-giroir.pdf