



WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

April 28, 2022

Wisconsin Controlled Substances Board
DSPA
PO Box 8366
Madison, WI 53708-8366

Dear Chairperson Engelbart and Members:

The kratom tree is a member of the coffee family and native to Southeast Asia. The kratom leaf in its pure, natural form has been used for centuries for pain relief, alertness, and general well-being in that part of the world. More recently, it has been used as a natural alternative to prescription drugs used for pain relief and anxiety and has been shown to be especially helpful to individuals who experience adverse reactions to prescription medications. The crisis in drug overdoses in the United States has stimulated research into the uses of kratom and other alternative pain management options. This research has shown kratom to have lower addiction and abuse profiles, while showing promising results for users. Unfortunately, nearly a decade ago, kratom was made illegal to possess or use in Wisconsin due to a provision that was included in a bill intended to address the synthetic drug problem. We believe this was done without adequate research and understanding of kratom in its natural form. Therefore, we ask the Board to review the research and provide guidance as to whether natural kratom merits scheduling.

For background, 2013 Wisconsin Act 351 changed the concept of scheduling an analog of a synthetic drug and replaced it with an actual description of the chemical structure of prohibited substances. Two chemical structures included in the long list were mitragynine (MG) and 7-hydroxymitragynine (7H-MG). MG and 7H-MG are alkaloids that are found naturally in the kratom leaf and have acceptable safety profiles in that form. Unfortunately, the change in law made any substance with MG or 7H-MG in it illegal, and as a result made natural kratom illegal also. We do not believe it was the intent of the Legislature to ban natural kratom; rather the inclusion of these particular alkaloids was intended to address concerns related to synthesized and adulterated products marketed as kratom. We agree that substances that are synthesized or adulterated with MG or 7H-MG are dangerous and should be scheduled. Kratom, however, in its natural form should not be treated in the same manner.

Since 2013, there has been significant research and discussion on natural kratom and the scientific basis for the decision to schedule kratom here and in the few states where it was indirectly banned, as well as at the federal level. Hundreds of peer-reviewed studies have now been conducted by researchers worldwide, including research sponsored by the National Institute on Drug Abuse (NIDA). These studies confirm that natural kratom is not like opioids in its safety and addiction profile and is actually a harm reduction tool that can enhance public health.

In 2015 and 2018, the Controlled Substances Board had discussions in open session regarding the issue of kratom's scheduling in Wisconsin, but no further action was taken. In August 2018, the US Department of Health and Human Services (HHS) rescinded its recommendation that FDA and DEA begin the process of scheduling MG and 7H-MG, due to insufficient evidence as well as emerging research




suggesting that scheduling kratom could actually create “an unknown and potentially substantial risk to public health”¹ because it would no longer be available to the millions of Americans that use it. Most recently, 2021 Assembly Bill 599 and Senate Bill 958 were introduced in the Wisconsin Legislature which would legalize and regulate the use and sale of natural kratom while keeping synthesized and adulterated kratom products scheduled. AB 599 was given a public hearing and was approved by the standing committee with a bipartisan 9-2 vote.




As a result of the recent evidence, research, and public interest regarding kratom that has been made public since the enactment of 2013 Act 351, we believe it is appropriate for the Board to conduct its own impartial review of existing research and provide the legislature with guidance or act unilaterally if appropriate. We ask the following:


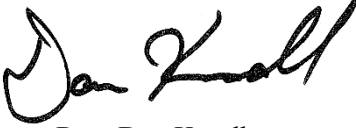
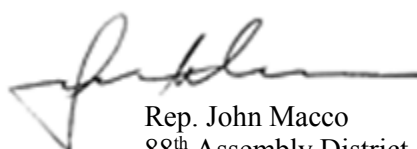
- 1) That the CSB use its authority under Wis. Stats. Ch. 961.11 to make a determination using the criteria provided in Wis. Stats. Ch. 961(1m) and (1r) as to whether or not kratom in its natural form should be scheduled in Wisconsin; and
- 2) If natural kratom does not meet the criteria under Wis. Stats. Ch. 961(1m), that the CSB promulgate a rule that would differentiate MG and 7H-MG found in natural kratom from MG and/or 7H-MG contained in other substances so that natural kratom would not violate Wis. Stats. Ch. 961.17(7)(mk) and (ml) of the Wisconsin Controlled Substances Act.


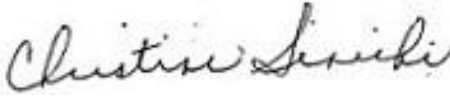
Thank you for your consideration of these requests. We request that the Board please let us know how it intends to proceed.

Sincerely,

  
Rep. Dave Murphy Sen. Mary Felzkowski Speaker Robin Vos
56th Assembly District 12th Senate District 63rd Assembly District

  
Sen. Jon Erpenbach Rep. Rob Brooks Rep. Jonathan Brostoff
27th Senate District 60th Assembly District 19th Assembly District

  
Rep. Dora Drake Rep. Dan Knodl Rep. John Macco
11th Assembly District 24th Assembly District 88th Assembly District

 
Rep. Michael Schraa Rep. Christine Sinicki
53rd Assembly District 20th Assembly District

¹ <https://www.kratomscience.com/wp-content/uploads/2021/01/dhillon-8.16.2018-response-letter-from-ash-radm-giroir4.pdf>