

Senate Judiciary Committee

Brendan Bunnell 271-4063

SB 557-FN, prohibiting the sale of kratom products to anyone under 21 years of age and providing for the regulation of the sale of kratom products.

Hearing Date: February 10, 2026

Time Opened: 2:45 p.m.

Time Closed: 4:28 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill regulates kratom products and prohibits the sale of such products to anyone under 21 years of age.

Sponsors:

Sen. Altschiller

Sen. Watters

Sen. Prentiss

Rep. Manos

Rep. N. Murphy

Who supports the bill: 92 individuals signed in support of this bill. For a complete list of those signed in support please contact Brendan Bunnell (Brendan.Bunnell@gc.nh.gov)

Who opposes the bill: Walker Gallman (Global Kratom Coalition), Graham Rigby (AHPA), Kaylee McGlynn, Marissa McGlynn, Alexandra McGlynn, Celeste Clark, Hannah Andersen, Pamela Bala, Sue Homola, and Eli Roberts.

Who is neutral on the bill: Matt Amatucci.

Summary of testimony presented:

Senator Debra Altschiller (SD-24), presented the bill and explained that SB 557-fn would prohibit the sale of kratom products to anyone under age 21 and establish a regulatory structure governing their manufacture, labeling, and sale.

- To illustrate the current marketplace, she displayed several products purchased locally in Concord and on the seacoast. These included a two-ounce “Feel Free Classic” drink purchased for \$9.99, a single 7-OH tablet containing 14 milligrams costing \$10, and a candy cone containing kratom purchased for about \$6. She also presented photographs of additional items: a K-Fuel kratom shot containing 75 milligrams of *Mitragyna speciosa* priced at \$9.99, a two-pack

of lemon-lime flavored gummies containing 30 milligrams each priced at \$3.99, and a five-pack of high-potency tablets containing 40 milligrams each costing \$40. She stated that all of these products, totaling under \$80, were purchased without any age verification or questioning, and argued that teenagers with pocket money could easily obtain them.

- Senator Altschiller then described kratom as being derived from the leaves of *Mitragyna speciosa*, a tropical tree traditionally used in Southeast Asia for mild stimulant effects.
- She stated that modern U.S. products differ significantly from traditional use and emphasized that the primary alkaloids, mitragynine and 7-hydroxymitragynine, bind to mu-opioid receptors in the brain in the same way as morphine, oxycodone, and fentanyl.
- She cited FDA structural and computational analyses and laboratory studies indicating that 7-hydroxymitragynine may be up to 13 times more potent than morphine on a per-molecule basis. She stated that many products labeled as kratom contain concentrated or synthetic alkaloids far exceeding natural leaf potency.
- Presented statistics indicating that U.S. poison control centers received 1,690 kratom-related exposure calls in the first seven months of 2025, surpassing the total for 2024, and that 35 percent of cases involving 7-OH resulted in severe outcomes including seizures, respiratory distress, and lethargy. She reported that EMS data showed 4,200 kratom-related overdose encounters nationwide between 2023 and 2025 and stated that addiction treatment providers in New Hampshire and elsewhere report increasing numbers of patients with kratom dependence. She referenced an op-ed by Doctors Chun O’Leary, Willette, and Harker published in the *New Hampshire Bulletin* warning about kratom, and a letter from Dr. Jillian Snowdom supporting age restrictions as a harm-reduction measure.
- She described withdrawal symptoms reported by clinicians including muscle aches, insomnia, anxiety, nausea, irritability, and cravings, noting that some users report consuming high-potency products multiple times daily and spending hundreds or thousands of dollars per month.
- She stated that the DEA lists kratom as a drug and chemical of concern and that the FDA has issued multiple advisories warning of addiction, overdose, and death risks. She also described marketing practices that present kratom as a natural supplement, including candy-like packaging, flavored beverages, and placement on open shelves near energy drinks, and she argued that adolescents are particularly vulnerable to addiction because the prefrontal cortex continues developing into the mid-twenties.
- The senator then outlined the provisions of SB 557-FN, including setting a minimum purchase age of 21, banning synthetic alkaloids and products

exceeding potency limits, prohibiting combustible or vaporizable forms, requiring child-resistant packaging, mandating clear labeling of alkaloid content and health warnings, establishing heavy-metal limits and solvent restrictions, prohibiting marketing to youth, and creating licensing and enforcement authority for the Department of Health and Human Services, with fees and penalties dedicated to program administration.

- She compared these kratom products to opium, tobacco, and deadly nightshade, and stated that multiple countries and U.S. jurisdictions have enacted bans or regulations. She emphasized that the bill would not criminalize adult possession and concluded by urging the committee to recommend the bill ought to pass.
- Senator Abbas then asked why, if kratom has opioid-like effects, the state would want to license retail sales at all.
 - Senator Altschiller replied that kratom binds to opioid receptors and has addictive qualities but is not federally scheduled; therefore, NH state regulation is the available option to impose safeguards.
- Senator Gannon followed with another question, stating that if the substance is harmful and opioid-like, why not remove the age-21 limit and ban it entirely.
 - Senator Altschiller responded that some individuals report benefits, and she did not want to remove a substance that may help people; instead, she favored recognizing its pharmacology, communicating both risks and potential benefits, and making it harder for those under 21 to obtain.

Walker Gallman, legislative director for the Global Kratom Coalition, described the organization as an alliance of consumers, researchers, public-health advocates, and responsible industry leaders and said it supports regulation that distinguishes natural kratom from synthetic derivatives, prohibits marketing to minors, and ensures proper labeling and safety. However, he stated that the organization opposes SB 557 unless amended.

- Gallman objected to language banning kratom combined with psychoactive substances, arguing that the term “psychoactive” is overly broad and could include harmless substances such as sugar or caffeine.
- He also raised concerns about child-resistant packaging requirements, explaining that kratom is treated as a dietary supplement and such packaging is not standard in that category, and that no evidence suggests widespread accidental ingestion by children. He noted that the bill already includes age restrictions and labeling requirements and argued these measures should be sufficient.

- He then provided background on natural kratom, describing it as a botanical with centuries of traditional use and citing a University of Florida study estimating that 23.9 million Americans use natural kratom leaf. He referenced an FDA clinical trial in 2024 that found natural leaf tolerable in humans even at high servings, reporting only mild nausea. He explained the chemical composition of the plant, describing more than 40 alkaloids working together and stating that trace amounts of 7-hydroxymitragynine occur naturally at about 0.004 percent. He emphasized that problems arise when alkaloids are isolated, concentrated, or synthesized into highly potent forms.
- Gallman stated that many products marketed as kratom, including candy cones and tablets, are actually concentrated synthetic products very different from the natural plant.
- He cited statements from federal agencies, including a July 2025 joint FDA, DEA, and HHS press conference announcing that concentrated synthetic 7-OH was being referred for scheduling while natural leaf kratom was not targeted. He referenced statements by FDA Commissioner Marty Makary, an earlier eight-factor analysis in which natural leaf kratom was not scheduled, and similar conclusions by the World Health Organization. He argued that the industry needs regulation to address bad actors and ensure consumers can distinguish natural leaf from synthetic products.
- Senator Abbas asked whether natural kratom is addictive.
 - Gallman replied that it can be somewhat addictive but compared withdrawal to caffeine withdrawal, describing symptoms such as sniffles and headaches rather than severe opioid-type withdrawal.
 - Abbas then asked whether it is possible to overdose on natural kratom.
 - Gallman replied that there is no known overdose level and that natural kratom is not intoxicating or euphoric.
- Senator Altschiller asked whether natural leaf kratom is commonly sold in its natural state, stating that most products she had found were mixed with other ingredients.
 - Gullman responded that beverages like Feel Free contain crushed leaf mixed with other substances such as kava, and that bags of leaf and capsules containing crushed leaf are commonly sold in many markets, though he was not familiar with the New Hampshire market specifically. He distinguished these from synthetic tablets and candy-like products that are often marketed to children.
- Senator Altschiller then asked whether his organization would support restrictions on flavored or child-appelling products such as gummies.

- o Gallman agreed that prohibiting bright colors, cartoon imagery, and child-targeted marketing would be appropriate but reiterated concerns about child-resistant packaging requirements.
- Senator Abbas asked whether other states have adopted comprehensive kratom policies.
 - o Gallman cited Nebraska as a “gold standard,” as well as Georgia and Colorado, and emphasized that strong enforcement provisions are necessary.
- Senator Abbas then asked why he opposed packaging restrictions if kratom can be addictive and is not recommended for children.
 - o Gallman responded that kratom is not a drug and dietary supplements are not subject to such requirements, noting that even alcoholic beverages are not sold in child-resistant containers.
 - Senator Abbas followed up by asking, given that some people use kratom for pain relief, what harm there is in requiring packaging restrictions.
 - o Gallman replied that dietary supplements are sometimes used anecdotally for health purposes but are not intended to treat conditions and are not marketed as such.

Kaylee McGlynn testified in opposition to the bill, stating that although it imposes age restrictions, it still sends a message that the state approves kratom use by adults and fails to address the broader dangers of unregulated substances. She cited the DEA’s designation of kratom as a chemical of concern and argued that the bill misses the mark on drug-prevention policy and that eliminating unregulated sales would be more appropriate.

Graham Rigby, CEO of the American Herbal Products Association, testified in opposition of the bill. He stated that kratom has historically been consumed as tea and that language banning products labeled as foods or beverages could conflict with potential determinations that certain uses are generally recognized as safe.

- He argued that banning kratom combined with other ingredients is overly broad and should instead target specific problematic formulations such as synthetic 7-OH. He stated that bans on child-appealing forms and age restrictions already address youth access and that child-resistant packaging would impose redundant costs.

- He also recommended allowing flexibility in labeling language to avoid excessively long labels and suggested listing alkaloid content per serving rather than per package.

Officer Justin Agraz, of the Merrimack Police Department testified that his work involves prevention, enforcement, and treatment related to addiction. He expressed concern that kratom affects opioid receptors and can produce tolerance, leading users to seek stronger drugs as costs increase.

- He cited FDA warnings, DEA designations, and CDC data linking kratom to deaths, and stated that as of August 2025 kratom was illegal in seven states and regulated in several others.
- He said he personally favored making kratom illegal but believed the bill was at least a step toward protecting juveniles.

Kristin Makara, a mental health counselor and licensed alcohol and drug counselor, testified that in her clinical experience kratom can be highly addictive and difficult to stop, with some clients reporting withdrawal more difficult than opioids. She stated she would prefer a complete ban.

- Senator Abbas asked whether she meant banning all kratom or only synthetic forms.
 - o Kristin Makara clarified that she meant banning all kratom for all ages.

Kate Frey testified in support of SB 557, stating that the kratom industry uses tactics similar to other industries that target youth, including exploiting regulatory gaps and deceptive marketing, and urged the committee to act.

Sue Homola, testified that the bill does not go far enough and described it as effectively legalizing kratom.

- She argued that both mitragynine and 7-hydroxymitragynine can be dangerous, that kratom is banned in many countries and some U.S. states, and that research has linked mitragynine exposure to hundreds of deaths.
- She cited legal cases involving kratom-related deaths and urged that therapeutic claims be evaluated through FDA processes. No questions were asked.

Renee King, a nurse practitioner and director of nursing at an inpatient detox facility, testified in support of the bill and described increasing numbers of kratom-dependent patients.

- She explained that kratom acts pharmacologically as a drug and described developing a specific detox protocol due to rising cases.
- She provided several case examples, including a patient who began using kratom at age 14 and later developed fentanyl addiction, a patient diagnosed with arsenic toxicity traced to unregulated kratom, and a patient with alcohol use disorder whose withdrawal was complicated by undisclosed kratom use and who later died.
- She argued that banning only specific compounds may be ineffective because manufacturers could modify molecules.
- Senator Abbas asked whether most patients she treats are using synthetic products or natural kratom.
 - Renee King replied that most involve high-potency 7-OH products but that tolerance can lead users from natural forms to stronger substances.
 - Senator Abbas then asked whether withdrawal symptoms can occur with natural kratom.
 - Renee King replied that it is possible depending on frequency of use, duration, and individual predisposition to addiction.

Amanda Rainer testified that she has used kratom for nearly nine years to manage severe chronic pain and has discontinued multiple pharmaceuticals as a result. She described significant improvements in her health and quality of life and argued that most reported deaths involve multiple substances.

- She supported regulation, including age restrictions and improved education, but opposed bans.
- Senator Abbas asked whether she would oppose banning kratom in natural form.
 - Amanda Rainer said she opposed bans on any form, including synthetics, because bans would hinder research.
- Abbas then asked whether she believed there should be limits on milligram dosage per serving.

- o Amanda Rainer replied that dosing varies by product and that responsibility rests with the user to follow labeling instructions.

Jennifer Mercier, a small-batch vendor of natural kratom leaf, testified in support of regulation and removal of products from gas stations, stating that responsible vendors already conduct testing for heavy metals and contaminants.

- She cited research suggesting relatively low dependence rates and distinguished natural leaf from extracts and synthetics.
- Senator Abbas asked whether she would support banning synthetic products while allowing natural leaf.
 - o Jennifer Mercier said she would support that approach.

Dr. Cornel Stanciu, an addiction medicine physician and Dartmouth faculty member, testified in support of SB 557.

- He explained that while natural leaf has a long history of use, recent harms are associated with concentrated and chemically modified products.
- He described three phases in the evolution of the market: early sales of raw leaf, solvent-based extracts beginning around 2014, and the current phase of highly concentrated or synthetic compounds such as 7-OH and mitragynine pseudoindoxyl.
- He suggested amendments including research exemptions, expanded labeling requirements, and clearer terminology distinguishing synthetic and semi-synthetic compounds.
- Senator Abbas asked whether overdose is possible with kratom.
 - o Dr. Stanciu replied that overdose from natural leaf would require impractically large consumption but that overdose and death are possible with concentrated or synthetic forms.
 - Senator Abbas then asked whether overdose could lead to death through respiratory depression similar to opioids.
 - o Dr. Stanciu explained that natural-leaf toxicity may present more as stimulant-like seizures, whereas concentrated products can cause opioid-type respiratory depression.
- Senator Altschiller, asked him to elaborate on his suggestion for research provisions.

- o Dr. Stanciu explained that researchers conducting IRB-approved studies should be able to access synthetic or semi-synthetic compounds.
- Senator Abbas then asked how difficult it is to convert natural leaf into concentrated forms and whether the process increases potency.
 - o Dr. Stanciu explained that extraction concentrates small quantities of alkaloids into much higher potency and that chemical processes can further modify compounds.
 - Abbas asked whether he could provide his published studies to the committee.
 - o Dr. Stanciu said he would.

Daniel Neslosan, who stated that he and his business partner Eric Boulter were in the process of opening a kava bar in Manchester, testified that kava is a beverage made from the roots of the kava plant and has been consumed for hundreds of years in the South Pacific, primarily for relaxation and sociability.

- He said that when he began researching the business, he initially knew very little about kratom, but learned that roughly 85 percent of American kava bars serve both kava and kratom, typically preparing kratom as a tea brewed from the natural plant. Because of this, he conducted additional research and concluded that there are reasons to support the natural plant and its traditional use in tea form.
- Neslosan stated that he largely supports SB 557 and favors regulation, explaining that in his view education is the key issue and that labeling and clear information for consumers are essential.
- Speaking from the perspective of someone planning to operate a kava bar, he said he supports age restrictions and clear labeling requirements and emphasized that allowing kratom tea made from the natural plant would be important for businesses like his that intend to serve it in a traditional preparation.

Eric Boulter, a resident of Londonderry, testified that what concerned him most during the hearing was the frequent use of the term “kratom” to describe very different substances.

- He said that throughout the hearing he had heard professionals and others describe overdoses, deaths, and extreme behavior and attribute those outcomes

broadly to kratom, and he argued that this conflates synthetic or semi-synthetic derivatives with the natural plant.

- To illustrate his point, he offered an analogy to coffee, explaining that caffeine can be extracted and concentrated into potent pills that can cause harm, but that it would be misleading to attribute those harms to ordinary coffee consumption.
- He argued that the same dynamic is occurring with kratom, where concentrated or synthetic products are being grouped together with the whole-leaf plant. Polter stated that he is in long-term recovery, clean and sober since 2010, and that he has personally seen people come off benzodiazepines and opioids using whole-leaf kratom as a tool to manage symptoms.
- He argued that banning natural kratom entirely would remove an option that some individuals rely on and would interfere with personal autonomy and individual choice in managing recovery or health.
- He concluded by reiterating that equating synthetic or semi-synthetic derivatives with the whole-leaf plant is misleading and thanked the committee. No questions were asked following his testimony.

Shawn Cannizzaro, owner of Hope to Freedom Recovery Homes in Claremont, testified that his organization provides safe, structured, state-certified recovery housing for individuals seeking sobriety.

- He began by acknowledging that he had learned new information during earlier testimony, particularly about differences between natural and synthetic products, but said he wanted to share a specific case from his experience. He told the story of a man named Paul who had entered his recovery home, remained sober for 18 months, helped start meetings and assist other residents, and later relapsed.
- According to Cannizzaro, Paul returned to treatment and then to the recovery home, achieved another 18 months of sobriety, but later overdosed and was hospitalized in critical condition.
- He described being contacted by a social worker who recognized his organization's name in records and asked him to come to the hospital, where he ultimately became Paul's health-care proxy. Paul died, and Cannizzaro described participating in organ donation arrangements and managing his belongings afterward.
- While retrieving Paul's vehicle and cleaning out his apartment, he said he found hundreds of packages of products, some labeled as kratom and others resembling tablets and "Smurf"-type products, many apparently purchased from

gas stations. He said that from what he saw, Paul repeatedly spent his paycheck on these products, which he believed contributed to relapse and eventually to fentanyl use and overdose.

- Cannizzaro stated that he supports regulation of these products to prevent similar cases and urged lawmakers to act, even suggesting that a future law could be named in Paul's memory.

Marissa McGlynn, a 16-year-old and a full-time college student, testified in opposition to SB 557-FN. She stated that she felt compelled to speak because, in her view, young people themselves best understand the realities of youth substance use.

- She said she has seen drug use among young people firsthand through school and community organizations and expressed concern about the deaths, overdoses, and addiction cases discussed earlier in the hearing.
- She argued that the bill does not go far enough, stating that New Hampshire should not settle for incremental improvements but should pursue stronger protections to safeguard youth and promote long-term community wellness.
- She expressed skepticism toward claims that kratom is safe or helpful, arguing that many substances, including heroin or methamphetamine, are sometimes described by users as relieving pain, yet still lead to addiction.
- She also argued that the fact that a substance is natural does not make it safe, comparing it to poisonous berries that occur naturally but are harmful. She urged the committee to prioritize community health over profit.
- Senator Gannon asked what legislation she would prefer to see.
 - Marissa McGlynn replied that she wanted to see the bill deemed inexpedient to legislate.

Leah Kaufman, Vice President of Public Policy for Shatterproof, a national nonprofit focused on addressing addiction, testified in support of SB 557 and focused on national policy trends and youth-protection frameworks.

- She stated that Shatterproof has spent the past year working on policies to protect youth from synthetic drugs and said she would focus on regulatory trends and why she believes the bill appropriately targets public-health risks. Kaufman noted that seven states have made kratom illegal and that at least twenty-four states have enacted partial or comprehensive regulatory frameworks, with additional states considering legislation. She also said that some municipalities, including several in New Hampshire, have enacted bans.

- She then outlined elements of SB 557-FN that she believed were effective based on research into youth-protection strategies. These included setting a minimum purchase age of 21 with ID verification, requiring products to be kept behind the counter, prohibiting candy-like or youth-appealing packaging, banning advanced synthetic forms including 7-OH, establishing limits on alkaloid content, authorizing seizure of non-compliant products, granting rulemaking authority to regulators, and providing license revocation after repeated violations.
- She also discussed penalties in the bill, noting that fines of \$1,000 for a first offense and \$2,000 for a second offense might be insufficient to deter large multi-state operators and suggesting the committee consider stronger penalties.
- Kaufman addressed dosing and serving limits, stating that scientific evidence on safe dosing remains limited because kratom is not FDA-approved, but that the largest controlled human study administered natural leaf doses delivering approximately 53 milligrams of mitragynine per dose without serious adverse events. She recommended lowering the per-serving mitragynine limit in the bill to align with this evidence, while acknowledging that data remain limited.
- She also responded to earlier testimony about whether kratom is a supplement or a drug, noting that it acts on opioid receptors and that clinicians sometimes treat kratom withdrawal using medications such as buprenorphine and naloxone, which she argued demonstrates its psychoactive and opioid-like properties.
- Senator Altschiller asked Leah Kaufman whether she could provide information to the committee on per-serving or per-package limits used in other states.
 - Leah Kaufman agreed and said she could provide both examples and cautionary cases.
 - She then described Utah’s regulatory framework, explaining that limits based on total alkaloid percentage can be misleading because products with similar percentages may contain vastly different amounts of specific potent compounds such as 7-OH. She explained that regulating alkaloid content by milligrams per dry weight allows more meaningful comparisons across products and aligns with approaches used to regulate substances such as nicotine or caffeine.
- Senator Altschiller then asked for clarification of Leah Kaufman’s comparison to nicotine and caffeine regulation.
 - Leah Kaufman explained that measuring content by dry weight standardizes variability, allows comparisons across product forms, and reflects actual consumer exposure. She compared regulating total alkaloids to regulating alcohol by total liquid volume rather than ethanol content, arguing that measuring the active compound provides a more

accurate assessment of risk. She added that she had additional technical material she could provide to the committee in writing.

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Date Hearing Report completed: February 13, 2026