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September 22, 2023

Assembly Committee on State Affairs
Wisconsin State Assembly
17 West Main Street, Room 401
Madison, WI 53703

The Honorable Rob Swearingen
Chair, Assembly Committee on State Affairs
Room 123 West State Capitol
PO Box 8953
Madison, WI 53708

Dear Chairman Swearingen and Members of the Committee:

On behalf of the American Medical Association (AMA) and our physician and medical student members, I write in opposition to Wisconsin Assembly Bill 393 (AB 393). The AMA opposes the sale, marketing or prescribing of kratom until such time that it undergoes thorough research, clinical trials, evaluation, and other processes as established by the U.S. Food and Drug Administration (FDA) and further evaluation under the Controlled Substances Act [1]. As of July 21, 2023, "FDA has not approved any prescription or over-the-counter drug products containing kratom or its two main chemical components, mitragynine, and 7-hydroxymitragynine (7-OH-mitragynine)."[2]

AB 393 specifically seeks to allow the production, marketing, and sale of the chemical compounds that the FDA has not approved or evaluated for safe use. Therefore, the AMA opposes making these unregulated chemicals, including products containing these chemicals, available for marketing, purchase, or prescription until such time the FDA and other relevant regulatory agencies evaluate its safety and appropriateness for sale. The AMA urges a NO vote on AB 393 for these reasons.

If you have any questions, please contact Daniel Blaney-Koen, JD, Senior Attorney, AMA Advocacy Resource Center, at daniel.blaney-koen@ama-assn.org.

Sincerely,

James L. Madara, MD

cc: Governor Tony Evers
Members, Wisconsin State Legislature
Wisconsin Medical Society

[1] "Regulate Kratom and Ban Over-The-Counter Sales H-95.903." Policy of the American Medical Association. Last modified June 2023. Last accessed September 20, 2023. Available at https://policysearch.ama-assn.org/policyfinder/detail/kratom?uri=%2FAMADoc%2FHOD.xml-H-95.903.xml The policy reads, in total:

> Our American Medical association recommends:
> 1. The safety and efficacy of kratom should be determined through research and clinical trials, and subsequently evaluated by the relevant regulatory entities for its appropriateness for sale and potential oversight via the Controlled Substances Act, before it can be marketed, purchased, or prescribed.
> 2. Individuals who are currently using kratom for pain management or other conditions should have access to appropriate medical care to manage their conditions and withdrawal symptoms, if needed.
> 3. Individuals who are using kratom only for personal use should not face criminal consequences.
> 4. Kratom should be regulated by the FDA, and its safety and efficacy should be determined through clinical trials before it can be marketed or prescribed as a treatment for any condition.

[2] FDA and kratom. U.S. Food and Drug Administration. July 21, 2023. Available at https://www.fda.gov/news-events/public-health-focus/fda-and-kratom. Last accessed September 20, 2023.