

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3797

STATE OF NEW JERSEY

DATED: JUNE 24, 2024

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 3797.

This bill, designated as “CJ’s Law,” would criminalize the manufacture, possession and sale of products containing kratom.

Kratom, as known as *mitragyna speciosa* korth, mitragynine extract, biak-biak, cratom, gratom, ithang, kakuam, katawn, kedemba, ketum, krathom, krton, mambog, madat, Maeng da leaf, nauclea, or *Nauclea Speciosa*, is a botanical substance that grows naturally in Southeast Asia. The federal Food and Drug Administration (FDA) advises that kratom poses a threat to public health and has the potential for abuse.

Kratom is frequently marketed on the Internet for its psychoactive and opioid-like analgesic effects, and for use in the treatment of morphine and heroin addiction. However, kratom is not approved in the United States for any medical use. In a statement released in April 2022, the FDA warned the public against using kratom, warning that the substance “affects the same opioid brain receptors as morphine” and that it appears to have “properties that expose users to the risks of addiction, abuse, and dependence.” According to the FDA, scientific literature has disclosed serious concerns regarding the toxicity of kratom in multiple organ systems, with consumption leading to a number of health issues, including depressed respiratory function, nervousness, agitation, aggression, sleeplessness, hallucinations, delusions, loss of libido, tremors, skin hyperpigmentation, nausea, vomiting, constipation, and severe withdrawal signs and symptoms.

Currently, possession and distribution of kratom is not barred by federal or New Jersey law. However, the FDA Import Alert # 54-15 provides guidance for FDA field personnel regarding the detention of dietary supplements and bulk dietary ingredients that contain kratom. The FDA has also issued a number of warning letters and conducted seizures of illegally sold, unapproved, or misbranded drug products containing kratom that make unproven claims about their ability to treat or cure opioid addiction and withdrawal symptoms.

Kratom is banned or its uses restricted in several countries, including Australia, Denmark, Finland, France, Germany, Israel, Japan, Latvia, Lithuania, Malaysia, Myanmar, New Zealand, Poland,

Romania, Russia, Singapore, South Korea, Thailand, and Vietnam. Kratom is also illegal in several states, including Alabama, Arkansas, Indiana, Rhode Island, Vermont, and Wisconsin. Several states have passed laws restricting its sale and use, while several other states have introduced legislation that would ban this drug.

This bill amends existing law to include kratom as a controlled dangerous substance and to sets out gradations for crimes involving the substance. The bill would make it a crime of the second degree to manufacture, distribute or dispense, or possess or have under one's control with intent to manufacture, distribute, or dispense, a substance containing kratom in an amount of one ounce or more, including adulterants and dilutants. A crime of the second degree is punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. It would be a crime of the third degree to manufacture, distribute or dispense, or possess or have under one's control with intent to manufacture, distribute, or dispense a substance containing kratom in an amount of less than one ounce, including adulterants and dilutants. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

Under the bill, the possession of one ounce or more, including adulterants and dilutants, of a substance containing kratom would be a crime of the third degree, and possession of less than one ounce, including adulterants and dilutants, would be a crime of the fourth degree. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

CJ's Law is designated in remembrance of Christopher James (CJ) Holowach, who died at age 33 from cardiac arrest caused by mixture of drugs that included his physician prescribed Adderol and kratom.

While awaiting arm surgery, CJ Holowach consumed kratom to numb his arm pain without jeopardizing his recovery from opioid addiction. However, he was unaware of the dangers of kratom as the supplement's bottle provided no warning labels or suggestions on safe dosage amounts. Kratom is marketed in a way to make it appear to be a safe herbal pain supplement, when it poses serious health risks. Further, addiction experts warn, echoing the sentiments of FDA warnings, that kratom can be highly addictive and create risk of abuse and dependence.

It is the sponsor's hope that this bill will stop the sale of kratom in New Jersey, avoiding further tragedies including death.