

Kratom Survey



May 21, 2019

KRATOM SUMMARY REPORT

This report has been compiled at the direction of the Castle Rock Town Council. The opinions expressed in this report are those of the authors. They do not purport to reflect the opinions or views of the Town of Castle Rock. The designations employed in this report and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the Town of Castle Rock concerning the current or contemplated legal status, safety, or consumption of *Mitragyna speciosa*, commonly known as kratom.

TABLE OF CONTENTS

Kratom Timeline.....	4
Castle Rock Kratom Regulation Review and Advisory Roundtable	5
Public Feedback	7
Kratom Primary & Secondary Sources Survey	9

KRATOM TIMELINE

NOVEMBER, 2018

Town staff receives an inquiry about a possible kratom bar, similar to a coffee shop or a cafe.

DECEMBER, 2018

Town Council approved an ordinance to provide a 180-day suspension on the establishment of new businesses related to kratom sales.

FEBRUARY, 2019

Tri-County Health Department notifies the Town of Castle Rock that it will not license on premise consumption of kratom, such that would be requested for a kratom bar.

The Town hosts a Roundtable to gather additional information from the kratom industry, regulatory agencies, and law enforcement.

APRIL 2019

Open House to gather public feedback about kratom age regulation alternative that may be presented to Town Council.

MAY 2019

Anticipated Town Council presentation regarding results of kratom survey.

JUNE 2019

Temporary suspension on establishment of new businesses related to kratom sales will expire.

CASTLE ROCK KRATOM REGULATION REVIEW AND ADVISORY ROUNDTABLE

On February 22, 2019, representatives from various kratom organizations, kratom retailers and manufacturers, regulatory agencies, municipalities, and law enforcement agencies participated in the Castle Rock Kratom Regulation Review and Advisory Roundtable.

SUMMARY OF ROUNDTABLE

The Roundtable heard presentations from various kratom organizations, including the American Kratom Association (“AKA”) and Kratom Trade Association. The Botanic Education Alliance was unable to attend, but sent slides that were presented by the representative from AKA. All of the aforementioned kratom organizations presented information related to the relative safety of kratom, common uses, frequency of use, broad range of users, and means of ingestion. The presentations also rebutted many of the statements made by federal regulatory agencies, such as the FDA and DEA. The Kratom Trade Association also provided insight into a typical experience in a kratom bar. The organizations answered various inquiries from the participants related to the presentations, including inquiries regarding the relative safety of kratom.

Smoker Friendly, a local kratom retailer that also sells tobacco products and accessories, and K-Chill, a kratom manufacturer, gave presentations on self-imposed quality control standards and age restrictions on kratom products. K-Chill stated that their products are routinely tested by laboratories; however, noted that there are kratom supplies and manufacturers without internal quality controls. Smoker Friendly indicated that they have been selling kratom products in Castle Rock for 7 years, without incident. Smoker Friendly does not generally encounter minors in their stores, but requires identification prior to the purchase of kratom products and does not sell kratom products to minors. K-Chill stated that, in addition to Smoker Friendly, it supplies kratom

ATTACHMENT B

beverages to convenience stores nationwide, with the age restriction warning labels on all products.

All proponents from the kratom industry supported a proposed regulation on the sale of kratom to minors. Many organizations, such as the American Kratom Association, further stated that kratom products should not generally be used by minors or pregnant women.

The Roundtable also heard presentations from the Douglas County Coroner (the “Coroner”), Tri-County Health Department (“Tri-County”), and Castle Rock Police Department (“CRPD”). The Coroner’s presentation included four autopsies from 2015-2018 that included the presence of kratom. The Coroner indicated that kratom is not tested in the routine panels collected and is only analyzed if kratom products are observed on scene or use is indicated in follow up interviews. Of the four autopsies, three decedents had combined drug intoxication, with multiple substances testing positive in the panels. One decedent with a history of seizures tested positive for only kratom in the bloodstream. All of the aforementioned autopsy cause of death opinions stated that kratom was a contributing factor; however, none of the opinions stated that kratom was the only factor.

Tri-County presented information compiled from the FDA and Colorado Department of Public Health and Environment. Tri-County also presented information related to licensing of kratom bars in their jurisdiction. Per CDPHE, kratom is not considered a generally safe product under FDA regulations and, therefore, cannot be added to food. Tri-County stated that they would not license a retail food establishment combining food with kratom, such as a kratom bar. Finally, Tri-County stated that municipalities should not regulate kratom whatsoever, as regulations should rest with county, state, and federal agencies.

CRPD presented information related to potential kratom concerns from the Town’s law enforcement perspective. CRPD is primarily concerned with potential impairment while operating a vehicle while under the influence of kratom. CRPD indicated that kratom use in Castle Rock is generally unknown, due both to the lack of impairment specific testing available and typical awareness as a result of voluntary disclosure. CRPD has been made aware of kratom use

occurring in combination with other drugs, such as marijuana and shared a story of a prior explorer officer who admitted to vaping marijuana and kratom.

PUBLIC FEEDBACK

The Town endeavored to provide various forums for public feedback during the survey period. Soon after the passage of the kratom ordinance, the Town created a dedicated kratom website and provided a listing under the Town's Fact or Fiction section of its website. The Town received feedback via email, NextDoor, Facebook, and submissions utilizing the online feedback form on the Town's kratom webpage. Additionally, on April 4, 2019, the Town of Castle Rock hosted an Open House at Town Hall to receive additional public input. The feedback received has been included in this Survey.

ONLINE FEEDBACK

The Town received feedback via email, NextDoor, Facebook, and submissions using the online feedback form on the Town's kratom webpage, which have been included in this Survey from December 1, 2018 – May 1, 2019.

OPEN HOUSE FEEDBACK

On April 4, 2019, the Town of Castle Rock hosted an Open House at Town Hall from 5:30-7:00 PM to receive additional public input. Twelve individuals signed into the Open House and four provided written feedback.

SUMMARY OF FEEDBACK

A significant majority of the feedback was received from non-resident, self-identified kratom users, appreciative of the Town's efforts towards education prior to potential regulation, and/or generally concerned with any potential regulations. Five Castle Rock residents and one non-resident provided feedback via the [Crgov.com/kratom](https://www.crgov.com/kratom) online form. Responses, listed in chronological order, included:

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RESIDENT 1

“Please, please, for the safety of our children impose the strictest regulations you can.”

RESIDENT 2

“This is a substance that alters a persons brain. I strongly recommend that this unregulated drug be banned from legal use in Castle Rock.”

RESIDENT 3

“If the town decides to allow the sale of kratom it needs to be made illegal for minors to possess.”

RESIDENT 4

“Please do not ban Kratom.”

RESIDENT 5

“I would not live in a community where it was banned.”

NON-RESIDENT 1

“I have watched the city council’s first meeting in regards to this topic and feel that I cannot add any legal, scientific or regulatory expertise that was not covered already by Mac Haddow and the KTA lobbyist, so I just wanted to add my personal story along with my support of any age restriction and or any reasonable legislation that the council would seek to enact.”

KRATOM PRIMARY AND SECONDARY SOURCES SURVEY

Town staff compiled various, recent publications during the moratorium period as part of the Survey. The articles are exemplars and are in no way meant to provide a comprehensive compilation.

REGULATORY AGENCIES

FDA, February 6, 2018, Article written by FDA Commissioner Scott Gottlieb, M.D., re: concerns about kratom's potential for abuse, addiction, and serious health consequences; including death.

FDA Commissioner Scott Gottlieb, April 16, 2018, The good, the bad and the maybe, about Kratom. Advice for patients "If you have a patient who is going to insist on taking kratom, advise the patient to be careful and use a reputable brand."

National Institute on Drug Abuse, April 2019, Article written regarding the drug facts of Kratom RE: what is, use, affect on the brain, health effects, overdose, addictive, addiction treatment and value of Kratom.

USA Today, April 13, 2019, What is kratom and what's it made from? Increasingly popular herbal drug tied to over 90 fatal overdoses. U.S. Centers for Disease Control and Prevention – Poison Control Centers is now tracking phone calls about Kratom. Henry Spiller, Director of the Central Ohio Poison Center says there is a significant increase in the number of cases/calls to poison centers. FDA Commissioner Scott Gottlieb warned against its use as more research is needed

to “define the human response to kratom.” DEA has listed kratom as a “Drug and Chemical of Concern.”

CDC, April 11, 2019, Herbal drug kratom linked to almost 100 overdose deaths.

CDC, February 24, 2019, Poison reports related to herbal drug kratom soar, new study says.

MEDICAL

Mayo Clinic, March 2, 2019, Users swear by kratom for mood enhancement and fatigue reduction, but safety issues and questions about its effectiveness abound. Side effects and safety problems more than offset any potential benefits.

Elite Learning - Clinical Implications for Nurse Practitioners, September 4, 2018, Article written for Nurse Practitioners on clinical implications RE: Kratom, what is, clinical considerations, clinical testing, FDA recognition as an Opioid, FDA recall due to salmonella risks and recommendations for reporting illnesses associated with Kratom.

Westword, Denver, March 18, 2019, Article written re Kratom Addiction: Colorado Clinics’ Widely Different Reports. Disconnect is evident among clinicians in CO. Treatment and recovery facilities input on Kratom users in their facilities.

KRATOM USER STORIES

Fox News, April 14, 2019, Article written by Dr. Nicole Saphier whose son, a college student, asked about ‘kratom’ and that it was all over campus.

Westword, Denver, March 6, 2019, Article written RE: Two Parents' Kratom Stories: One Nightmare, One Miracle. College age boy with upper back injury playing basketball went to rehab for 90 days to get over Kratom addiction. Teenage girl diagnosed with Ehlers-Danlos Syndrome type 3, genetic disease, uses a strain of the green vein Kratom and she is better now.

Penn Live Daily Buzz, April 6, 2019, West Chester, PA parents whose son fatally OD'd on 'herbal heroin' suing the maker of a Kratom-based supplement SoCal Herbal Remedies. 25-year-old man fatally overdoses – Acute Mitragynine Intoxication.

MUNICIPAL/COUNTY/STATE

SPECIOSA.org - American Kratom Association, as of April 15, 2019, Kratom Legality Map, Map of States showing if Kratom is legal with no restrictions, legislation in these states has failed or has been amended, no pending legislation, banned states schedule 1 for Kratom, study involving Kratom and banned cities for Kratom.

State College, PA - State Representative Scott Conklin, April 12, 2019, Article written that State Rep. Conklin will introduce legislation for the regulation of kratom after the death of a woman in State College due to Kratom overdose.

Pennsylvania Capital-Star, April 13, 2019, Article written that State Representative Scott Conklin will introduce bill designating Kratom as a controlled substance and give the state more power to regulate its sale, distribution and production.

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Itawamba County Times and Monroe Journal Mississippi, April 10, 2019, Article written that Monroe County is the next county added to the list in MS to ban Kratom (Mantachie and Fulton already banned).

Fox Action News Jax, Jacksonville, FL, April 3, 2019, St. Johns County considering banning sale of Kratom, herb used to help opioid addiction. Article written about the Polydrug Taskforce in St. Johns County wants to ban the sale of Kratom. People on both sides of the issue agree to age restrictions.

Daily Journal, Aberdeen, MS, Monroe County, March 27, 2019, Supervisors approve countywide ban on kratom. Monroe County ordinance states residents won't be able to have kratom shipped to them through online purchases. The ban also includes convenience and tobacco stores from selling Kratom. Orthopedic surgeon Dr. Charles Rhea in Columbus states "Kratom is the new legal way to get high."