



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 3173		DATE: 2/25/2026	
COMMITTEE: Emerging Issues			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCAT		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: In-Person		SUBMIT DATE: 2/25/2026 11:59 PM
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MATTHEW LOWE		PHONE NUMBER: 776-424-6177	
BUSINESS/ORGANIZATION NAME: GLOBAL KRATOM COALITION		TITLE: MR	
ADDRESS: 2520 BUNDY DRIVE			
CITY: LOS ANGELES		STATE: CA	ZIP: 90075
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/25/2026 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: SHELDON BRADSHAW		PHONE NUMBER: 202-997-6823	
BUSINESS/ORGANIZATION NAME: BOTANICALS FOR BETTER HEALTH AND WELLNESS		TITLE: FDA REGULATORY ATTORNEY	
ADDRESS: 702 ENDERBY DRIVE			
CITY: ALEXANDRIA		STATE: VA	ZIP: 22302
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/25/2026 12:00 AM	
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: TODD UNDERWOOD		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/25/2026 12:00 AM
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: BRANDI MINOR		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL:	ATTENDANCE: In-Person	SUBMIT DATE: 2/25/2026 4:42 PM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: DAN GIBBS		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/25/2026 3:32 PM	
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Subject: Written Testimony – Support for Scheduling Mitragynine

Chairman Christ and Members of the Committee,

My name is Dan Gibbs. I am the father of a young man who died from mitragynine toxicity.

On December 6, 2023, my son Austin died after ingesting retail kratom leaf products. His toxicology identified mitragynine. There were no illicit opioids, no fentanyl, no heroin, no prescription opioids, and no isolated 7-hydroxymitragynine products. His death was ruled mitragynine toxicity. Autopsy findings included pulmonary edema and frothy airway fluid — findings consistent with opioid-type respiratory depression.

This was natural leaf kratom sold in a smoke shop.

You will hear that kratom is “just a plant.”

So is opium.

Mitragynine and 7-hydroxymitragynine are mu-opioid receptor agonists. That is receptor pharmacology — not rhetoric. They bind to and activate the same receptor targeted by morphine, oxycodone, heroin, and fentanyl.

Mitragynine converts in the liver to 7-hydroxymitragynine and further into mitragynine pseudoindoxyl — metabolites with potent opioid receptor activity. The “natural leaf vs 7-OH” distinction does not survive basic biochemistry.

**Age limits do not change receptor binding.
 Labeling does not change metabolism.
 Percentage caps do not eliminate opioid activity.**

You will also hear users testify that kratom replaces morphine, prevents heroin withdrawal, manages severe chronic pain, and requires multiple daily doses to function.

That should alarm this committee.

When a substance replaces opioids, suppresses withdrawal, and treats severe pain, that is opioid pharmacology. The very defenses offered in support of kratom confirm its opioid nature.

Missouri must decide whether mitragynine will be treated as what it is — an unapproved opioid-acting compound — or continue to be sold as a supplement without dosing standards, medical oversight, or pharmacovigilance safeguards.

If mitragynine were discovered today in a laboratory instead of harvested from a tree, and researchers demonstrated that it activates the mu-opioid receptor, produces dependence and withdrawal, converts to more potent metabolites, and has documented fatal toxicities — it would never be permitted for retail sale in gas stations.

The only reason this debate exists is marketing language. Receptor pharmacology does not care about labels. An opioid receptor agonist in a smoke shop is still an opioid.

Missouri has the opportunity to act before more families learn that “natural” does not mean safe.

**Respectfully,
Dan Gibbs**



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: DR. MICHELE ROSS		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: In-Person		SUBMIT DATE: 2/24/2026 3:37 AM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ERIC KUESER		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: In-Person		SUBMIT DATE: 2/25/2026 4:33 PM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: HOLLI SLEDD		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: In-Person		SUBMIT DATE: 2/25/2026 4:41 PM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: KATHLEEN WERLE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: In-Person		SUBMIT DATE: 2/25/2026 4:42 PM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: MARC DERAS		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: In-Person		SUBMIT DATE: 2/25/2026 4:55 PM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: NATHANAEL		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: SARAH BERRY		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/24/2026 12:31 PM	

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HB 3173 creates a criminal prohibition on possession, sale, distribution, or advertisement of “mitragynine-derived products” defined by chemical thresholds and compound classifications. It raises three immediate constitutional concerns:

Vagueness / Due Process (14th Amendment).

Terms such as “alkaloid fraction,” “overall alkaloid composition,” and percentage thresholds lack statutory testing standards.

Criminal liability tied to undefined laboratory methodology invites void-for-vagueness challenges and inconsistent enforcement.

Equal Protection / Arbitrary Classification.

The bill bans products exceeding a 2% 7-OH threshold while allowing chemically similar products below that threshold. Without articulated legislative findings supporting the cutoff, the classification risks challenge as arbitrary.

Research Exception — Overbreadth & Notice Problems.

The exemption for “research institutions” is undefined beyond broad language. The bill criminalizes possession by all others, including private laboratories or manufacturers, without clarifying licensure pathways or compliance standards—raising enforcement ambiguity.

HB 3173 presents foreseeable vagueness and equal protection challenges. For these reasons, I respectfully urge a Do Not Pass vote.



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: SUSAN EPPARD		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/25/2026 4:02 PM
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I support banning all forms of kratom.

My 22 year old son Matthew Joseph Eller died from whole leaf Kratom Powder (the least potent form of Kratom available in the United States). Kratom caused him to have a seizure, go into cardiac arrest and die. His toxicology showed he died from the "TOXIC effects of Mitragynine" an alkaloid found only in Kratom. He had no prescription drugs, no street drugs nor alcohol in his system when he died, and his autopsy showed he had no underlying health conditions. It's important to note my son didn't die from 7-OH/7-hydroxymitragynine.

In reference to Kratom; it's been said, don't throw the baby out with the bath water. This dangerous drug Kratom is being referred to as a baby to make it seem harmless, and the bath water is in reference to even more dangerous Kratom derived drugs such as 7oh and Mitragynine Pseudoindoxyl, which can only be made with Kratom as they are semi-synthetic requiring Kratom as the main ingredient. A simple internet search will reveal how to make these drugs.

Sudafed which harmless in comparison to Kratom, is used to make methamphetamine, and is behind a pharmacy counter, requiring state I'd, sold in very limited amounts, and recorded in a logbook for inspection by law enforcement.

I belong to the non-profit Group Kr8tom Danger Awareness. A group comprised of people whose loved ones died from Kratom. Many have died from Kratom only, and others have died from combinations of kratom with alcohol, Benadryl, anti depressants etc. Most of our loved ones who died were over 21, therefore age restriction won't do much to keep users from dying.

I spoke with the FDA regarding my son's kratom death, they assured me they are actively investigating all Kratom injuries and deaths from Kratom that have been reported to them.

Kratom is deceptively being put into seltzers, gummies and candies to cause addiction to unsuspecting consumers.

Does Kratom relieve pain and make you feel euphoric, maybe but so does heroin, methamphetamines and cocaine.

The FDA has NOT determined Kratom to be safe as demonstrated by their Import Alert 54-15 on Kratom making it illegal to import, therefore all kratom imported into the United States has been smuggled in

according to the FDA. Their slow action against Kratom powder is not an indication they think it's safe.

Thank you for your time, and the life you save may be someone you couldn't imagine life without.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: WENDY LEE CHAMBERLAIN		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/25/2026 3:45 PM	
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Good evening Members of the Committee ,

My name is Wendy Chamberlain. I am a mother from New York, and I am here because my son Joseph lost his life to kratom.

Joseph was 38 years old. He was a business owner, a father, and someone who believed he was using a safe, legal product. He did not struggle with illicit drugs. He was not seeking to get high. He used kratom because it was marketed as a natural, harmless substance for energy and well-being.

One evening, my son simply sat down to watch television and never woke up. His cause of death was mitragynine toxicity — the primary active drug in kratom.

Before Joseph died, I had never even heard of kratom. Like many families, we assumed that if a product is openly sold in stores, it must be safe. That assumption cost my family everything.

I am here today to respectfully explain why a Kratom Consumer Protection Act, or KCPA-style framework, will not solve this problem.

KCPA laws are presented as safety measures, but in reality they legitimize and normalize a product that carries serious pharmacological risks. They create the appearance of regulation without addressing the core dangers: unpredictable potency, lack of true manufacturing oversight, synthetic derivatives, and products that act on opioid receptors.

These laws do not prevent aggressive marketing, youth access, or the widespread public belief that kratom is inherently safe. They also do not account for the growing presence of concentrated extracts and modified compounds that are far more powerful than traditional plant material.

Most importantly, KCPA laws cannot prevent what happened to my son — because consumers cannot regulate pharmacology. Labeling and age limits do not change the biological effects of mitragynine and related compounds.

Since Joseph’s death, I founded Kratom Danger Awareness, a nonprofit organization representing families across the country who have experienced similar tragedies. These are not isolated stories. These are real people, real deaths, and real harm.

In 2025, the Drug Enforcement Administration formally accepted our citizen petition to review mitragynine and 7-hydroxymitragynine under the Controlled Substances Act. That acceptance means the federal government determined there is enough scientific and medical concern to warrant a full review under the Controlled Substances Act.

because state-by-state consumer protection laws are not enough to protect families.

I ask you to consider whether a regulatory model that assumes safety is appropriate for a substance associated with dependency, adverse effects, and documented fatalities.

No parent should learn about kratom from a death certificate.

Thank you for your time and for listening to my son's story.



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INDIVIDUAL:			
WITNESS NAME: EDWARD W BOYER		PHONE NUMBER:	
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