

Memorandum of Response

To: Michael Bender, Business Advocate
Common Sense Initiative

From: Cameron McNamee, Director of Policy and Communications
Ohio Board of Pharmacy

Date: February 27, 2026 - **REV. 3/2/2026**

Re: CSI Review Received February 27, 2026

Thank you for your review of the Mitragynine-Related Compounds rule package received by the Board of Pharmacy on February 27, 2026.

Based on your feedback of the package, the Ohio Board of Pharmacy will proceed with the filing of these rule packages with JCARR.

Please be advised that the Board approved a modification to the rule intended to provide further clarity as a result of the comments received during the CSI review process. Previous comments requested the Board clarify that natural kratom is exempted from this rule.

The Board approved the following update to paragraph (A)(4) of the rule:

| Previous Version | Approved Version |
|--|---|
| (4) Mitragynine, except for kratom in vegetation form, including natural kratom leaf and ground natural kratom leaf , and in accordance with Chapter 3715. of the Revised Code. | (4) Mitragynine, except for kratom in vegetation form, including natural kratom leaf and ground natural kratom leaf , and in accordance with Chapter 3715. of the Revised Code. |

The intent of the initial change was to exempt natural leaf kratom, but the text submitted to CSI could have been interpreted to have the opposite effect. Therefore, the Board amended the rule to clarify that mitragynine in its vegetation form, such as natural kratom leaf and ground natural kratom leaf, that is sold in accordance with ORC 3715. is exempted from status as a Schedule I controlled substance under this rule.

4729:9-1-01.1 – Mitragynine-Related Compounds (NEW)

The following are classified as schedule I controlled substances:

(A) Mitragynine-related compounds, whether synthetic or naturally occurring substances contained in the plant, or in the resinous extractives of *mitragyna speciosa* (also known as kratom) and/or synthetic substances, derivatives, prodrugs, isomers, esters, ethers, salts and salts of isomers, esters and ethers with similar chemical structure.

Mitragynine-related compounds include, but are not limited to, the following: 7-hydroxymitragynine; mitragynine pseudoindoxyl; dihydro-7-hydroxy mitragynine; and 7-acetoxymitragynine. Mitragynine-related compounds do not include any of the following:

(1) Any dangerous drug that is the subject of an application approved by the United States food and drug administration under subsections 505(c) or (j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c) or (j)) (December 12, 2025) for marketing as a dangerous drug;

(2) Any compound used in food consistent with either:

(a) A food additive regulation published in the United States code of federal regulations; or

(b) A “no questions response” issued by the United States food and drug administration in response to a generally recognized as safe notice.

(3) Any drug approved by the United States food and drug administration to that may be lawfully sold over the counter without a prescription in accordance with section 505G of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355h) (December 12, 2025).

(4) Mitragynine, ~~except for kratom~~ in vegetation form, including natural kratom leaf and ground natural kratom leaf, ~~and~~ in accordance with Chapter 3715. of the Revised Code.