



PHIL STECK
Member of Assembly, 110th District

THE ASSEMBLY STATE OF NEW YORK ALBANY

COMMITTEES
Health
Insurance
Judiciary
Labor
Oversight, Analysis and Investigation
Chair:
Alcoholism and Drug Abuse

October 16th, 2025

Secretary Robert Kennedy, Jr.
Secretary of the Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Administrator Terrance Cole
Administrator of the U.S. Drug Enforcement Administration
8701 Morrisette Drive
Springfield, VA 22152

Commissioner Martin Makary, M.D, M.P.H
Commissioner of the Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993

Dear Secretary Kennedy, Administrator Cole, and Commissioner Makary,

In 1970, the United States Congress passed the Comprehensive Drug Abuse Prevention and Control Act, which established five schedules of classification for substances and granted the Drug Enforcement Administration (DEA) and the Food and Drug Administration (FDA) the authority to determine which substances shall be added or removed from the five schedules.

We are writing to you today to respectfully ask the DEA and FDA to exercise this power and add Kratom products as a Schedule I substance.

While some states, such as Alabama, Arkansas, Indiana, Rhode Island, Vermont, and Wisconsin, as well as the District of Columbia, have passed legislation to classify Kratom as a Schedule I substance, New York State cannot pass legislation that deviates from the federal classification standard.

This past July, the FDA announced that it would recommend that the 7-OH compound, not products derived from the kratom plant, be scheduled as a Schedule I controlled substance. This is a step in the right direction since refined kratom products with high levels of 7-OH are being sold widely in the United States. However, we believe that other Kratom products should also be added to the list of Schedule I substances, as they meet the following three criteria for a Schedule I substance.

1. The drug or other substance has a high potential for abuse

While there have been numerous scientific studies conducted to research the potential abuse of Kratom products, there have been tragic incidents that have occurred here in New York State that have demonstrated how Kratom can be abused.

On November 17th, 2024, Nick Scribner, a 27-year-old resident of Ballston Spa, New York, was found deceased by his brother in his room after self-medicating with Kratom. The death is believed to be the result of two catastrophic side effects of Kratom: deep sleep and vomiting. Nick struggled to fall asleep at night; he initially turned to Nyquil and Benadryl, but they did not help. He then found a product online that contained pure raw Kratom. To combat his insomnia, Nick consumed Kratom in excessive amounts, which resulted in his death.

Anthony Donnadio, from Franklin Square, Long Island, lost his life on September 5th, 2023. He was using a kratom powder for pain management and would purchase it from a convenience store located on the Hempstead Turnpike. Believing it was a natural remedy, he even recommended it to his father, who thankfully never tried it. This was shortly before Anthony's unexpected death at only 32 years old. The toxicologist who performed the report was unfamiliar with what Kratom was at that time and was shocked to report to Anthony's family that this was the substance found in their son's body, which ultimately caused his death.

JD Butler, a devoted New Yorker, beloved teacher, and passionate advocate for children, lost his life to a hidden Kratom addiction. In 2018, seeking a natural way to manage his anxiety after his therapist retired, JD started using Kratom. Marketed to him as a safe, herbal remedy, Kratom initially seemed to help him manage his anxiety. However, JD developed a dependency to Kratom, and his body started requiring higher doses to achieve the same relief. On April 13, 2019, while out to dinner with his girlfriend, JD suffered a sudden grand mal seizure caused by Kratom-related complications. He died an hour later, leaving behind a shattered community.

Because of these tragic incidents, and many more that have occurred in New York State, we believe Kratom products meet the first criterion for a Schedule I substance.

2. The drug or other substance has no accepted medical use in the United States

There are no uses for Kratom approved by the U.S. Food and Drug Administration (FDA), and the FDA has warned consumers not to use Kratom due to potential side effects, including, but not limited to:

- Nausea
- Aggression
- Hallucinations
- Seizures
- Trouble Breathing
- Liver Damage
- Death

Because there are no known uses for Kratom by the FDA, we believe Kratom products meet the second criterion for a Schedule I substance.

3. **The drug or other substance lacks accepted safety for use under medical supervision**

Since there is no recognized medical use for Kratom by the FDA, its safety for use under medical supervision has not been determined. Therefore, there is a lack of accepted safety for the use of Kratom under medical supervision, which meets the third criterion for a Schedule I substance.

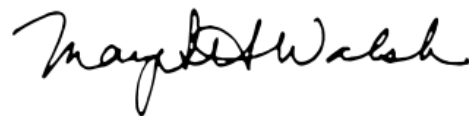
Given that Kratom meets the criteria for a Schedule I substance, we respectfully urge you to exercise the legal authority granted to you under the Comprehensive Drug Abuse Prevention and Control Act to schedule Kratom products as a Schedule I substance.

In doing so, you will prevent Nick Scribner, Anthony Donnadio, JD Butler, and many others' tragic deaths from happening to the American people.

Sincerely,



Phil Steck
110th Assembly District



Mary Beth Walsh
112th Assembly District



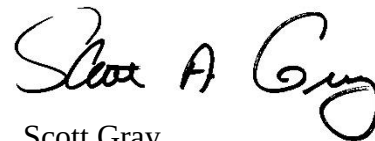
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Ed Ra
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Marianne Buttenschon
119th Assembly District



Scott Gray
116th Assembly District



Scott Bendett
107th Assembly District



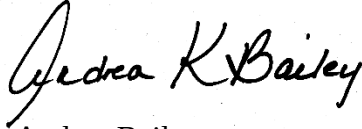
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21st Assembly District



Brian Manktelow
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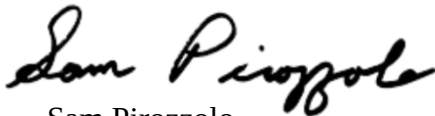
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Rebecca Seawright
76th Assembly District



Michael Durso
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Matt Slater
94th Assembly District

CC: New York State Governor Kathy Hochul
New York State Health Commissioner McDonald
The New York State Congressional Delegation
Cari Scribner
James Donnadio